

भारत का राजपत्र

The Gazette of India

प्रापिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 33]

नई दिल्ली, विनिवार, अगस्त 14, 1982/श्रावण 23, 1904

No. 33]

NEW DELHI, SATURDAY, AUGUST 14, 1982/SRAVANA 23, 1904

इस भाग में भिन्न पृष्ठ संख्या दो जाती है जिससे कि यह अलग संकलन के क्षमता से रखा जा सके।
 Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार ने मंत्रालयों द्वारा जारी किए गए साधिकारिक घावेश और अधिसूचना
 Statutory Orders and Notifications issued by the Ministries of the Government of India
 (other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्त्र विभाग)

नई दिल्ली, 18 मई, 1982

आयकर

का० आ० 2867—सर्वेगाधारण की जनकारी के लिए यह अधिसूचना जाता है कि निम्नलिखित सम्बन्धों को विद्युत प्राधिकारी प्रबंधित भारतीय कृषि अनुमंधान परिषद् ने आयकर अधिनियम 1963 की द्वारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अनुमोदित किया है।

संस्था

वि. बनस्पति मैन्युफैक्चर्स एसोसिएशन आफ इंडिया मुम्बई यह अधिसूचना दो वर्ष की अवधि के लिए 1-12-1981 से 30-11-1983 तक प्रभावी है।

[सं. 4615/का० सं. 203/30/82-प्राई टी एII)]
 एम० जी० सी० गोयल, प्रबंध मन्त्रिय

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 18th May, 1982

INCOMF-TAX

S.O. 2867.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Agricultural Research, the Prescribed

Authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

The Vanaspati Manufacturers' Association of India, Bombay.

This notification is effective for a period of two years from 1st December, 1981 to 30th November, 1983.

[No. 4615/F. No. 203/30/80-ITA.II]

M. G. C. GOYAL, Under Secy.

नई दिल्ली, 31 जुलाई, 1982

स्टाम्प

सं. 2868.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की द्वारा 9 की उपधारा (1) के खण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं दिवारा ग्रहमदाकाद मैन्युफैक्चरिंग एड केलीको प्रिंटिंग कम्पनी लिमिटेड को, उक्त कम्पनी द्वारा जारी किए जाने वाले एक करोड़ मत्तासी लाख बहुतर सी रुपये के अंकित मूल्य वाले अ०३०-प्र०० पर उद्दरण्णीय केवल एक लाख आनीम हजार आठ सौ इकाईस रुपये और पृष्ठीन पैसे के संमेकित स्टाम्प युक्त की घरायनी की अनुमति देती है।

[सं. 26/82-स्टाम्प का० सं. 33/23/82-वि०क०]
 भगवान दास, प्रबंध सचिव

New Delhi, the 31st July, 1982

STAMPS

S.O. 2868.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Ahmedabad Manufacturing and Calico Printing Company Limited to pay consolidated stamp duty of one lakh forty thousand eight hundred thirty one rupees and twenty five paise only, chargeable on account of the stamp duty on bonds in the form of debentures of the face value of one crore eighty-seven lakh seventy two hundred rupees to be issued by the said Company.

[No. 26/82-Stamps F. No. 33/23/82-ST]

BHAGWAN DAS, Under Secy.

आदेश

नई दिल्ली, 3 अगस्त, 1982

का०आ० 2869.—भारतीय स्टाम्प प्रधिनियम, 1899 (1899 का 2) की धारा 9 का उपधारा (1) के खड़ (क) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय मरकार एन्ड ड्राग उस शुल्क को माफ करते हैं, जो, कलटिक राज्य विनोय निगम द्वारा 2 करोड़ पचास लाख रुपए के प्रामिसरी नोट के रूप में जारी किया जाने वाले बधावों पर, उन्न प्रधिनियम प्रत्यर्थत प्रभार्ति है।

[म० 27/82-स्टाम्प/का०भ० 33/24/82-वि०क०]
ORDERS

New Delhi, the 3rd August, 1982

S.O. 2869.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby exempts the duty with which the bonds in the nature of promissory notes to the value of rupees two crores and seventy-five lakhs to be issued by the Karnataka State Financial Corporation are chargeable under the said Act.

[No. 27/82-Stamps/F. No. 33/24/82-ST]

(आधिक कार्य विभाग)

(बैंकिंग प्रशासन)

नई दिल्ली, 31 जुलाई, 1982

का०आ० 2870.—बैंककारी विनियमन प्रधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मरकार, भारतीय रिजर्व बैंक की विफारिण पर, एन्ड ड्राग धारणा करते हैं कि—(क) उन प्रधिनियम की धारा 10 की उपधारा (1) के खड़ (ग) के उपषाड (1) और (II) के उपवध एक वर्ष को अवधि तक, अर्थात्, 28 जून, 1983 तक मिठडेंडेट बैंक श्रीर यूनियन बैंक आफ इडिया पर उस सीमा तक लागू नहीं होगे, जहाँ तक ये उपवध इनके अध्यक्षों तथा प्रबन्ध निदेशकों के केरल इंडस्ट्रियल एंड टेक्नोकल कम्पलेटेंसी आर्गेनाइजेशन लिमिटेड, के निवेशक होंगे पर, इसलिए पाबद लगाने हैं कि वह कानून प्रधिनियम, 1956 (1956 का 1) के अन्तर्गत पर्जीकृत कर्पर्ना है, और (ख) उन प्रधिनियम की धारा 19 की उपधारा (3) के उपवध एक वर्ष तक की अवधि के लिए, अर्थात् 28 जून, 1983 तक उपर्युक्त बैंकों पर उस सीमा तक लागू नहीं होगे, जहाँ तक ये उपवध उन बैंकों के केरल इंडस्ट्रियल एंड टेक्नोकल कम्पलेटेंसी आर्गेनाइजेशन लिमिटेड की ओपर आर्गिता पर पावर लगाते हैं।

[मंस्या 15(10) 82-दी०ओ०-III]

एम० 250 बता, अव० भ० म० च०

DEPARTMENT OF ECONOMIC AFFAIRS

(Banking Division)

New Delhi, the 31st July, 1982

S.O. 2870.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that (a) the provisions of sub-clauses (i) and (ii) of clause (e) of sub-section (1) of section 10 of the said Act shall not apply for a period of one year, i.e., upto the 28th June, 1983 to Syndicate Bank and Union Bank of India insofar as the said provisions prohibit their Chairman and Managing Directors from being the Directors of the Kerala Industrial and Technical Consultancy Organisation Ltd., being a company registered under the Companies Act, 1956 (1 of 1956) and that (b) the provisions of sub-section (3) of section 19 of the said Act shall not apply for a period of one year i.e., upto the 28th June, 1983 to the above banks insofar as the said provisions prohibit them from holding shares in the Keralas Industrial and Technical Consultancy Organisation Ltd.

[No. 15/10/82-B.O.III]

N. D. BATRA, Under Secy.

नई दिल्ली, 31 जुलाई, 1982

का०आ० 2871.—बैंककारी विनियमन प्रधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक की विफारिण पर, केन्द्रीय मरकार एन्ड ड्राग धारणा करते हैं कि उन प्रधिनियम की धारा 9 के उपवध इन प्रधिनियम के भारत के राजपत्र में प्रकाशित होने की तारीख में, 1 मार्च, 1984 तक की अवधि के लिए त्रिचुर जिला को-ऑपरेटिव बैंक लिं. त्रिचुर, केम्ल पर वहाँ तक लागू नहीं होंगे जहाँ तक इनका सबध इस बैंक द्वारा गैर-स्वीकित आमिन प्रथात त्रिचुर ग्राम में सर्वेक्षण म० 2981 में स्थित सप्तशि 58 5 सेट्स पर्सोपाप के भुखड पर इनो इमारत जो “जनाना मिशन” के नाम से भी जानी जाती है, की धारिता से है।

[म० 8-26/82-ए.सी]

राम बेहरा, अव० भ० म० च०

New Delhi, the 31st July, 1982

S.O. 2871.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulations Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Trichur District Co-operative Bank Ltd., Trichur, Kerala in so far as they relate to its holding of a non-banking asset viz. a building on a plot of land admeasuring 58.5 cents—also known as ‘Zanana Mission’ property situated in Trichur village, Survey No. 298/1 for the period from the date of publication of this notification in the Gazette of India to 1 March, 1984.

[No. 8-26/82-AC]
RAAM BEHRA, Under Secy.

नई दिल्ली, 3 अगस्त, 1982

का०आ० 2872.—भारतीय रिजर्व बैंक प्रधिनियम, 1931 (1931 का 2) की धारा 17 (एक ख) (ख) के अनुसरण में भारतीय रिजर्व बैंक से अहुण के प्रयोजन के लिए, केन्द्रीय मरकार, श्रीबोगिक अहुण तथा निवेश निगम द्वारा अगस्त, 1982 को जारी किये गये तथा करवारी, 1984 में परिपक्वता लाने 11 15 करोड रुपये के अकित मूल्य के आपो के संबंध में, एन्ड ड्राग मूलधन की वार्षी तथा उस पर प्रतिवर्ष 10 प्रतिशत की दर से व्याज की अदायगी की गारंटी करती है, किन्तु यह यह है कि यह गारंटी, आण्डो के जारी हो जाने की तारीख से 24 महीनों की अवधि के बास्ते प्रभावी रहेगी।

[मं० 3(19)-आईएफ०-1/82]

आई शार मदान, उप मस्तिव

New Delhi, the 3rd August 1982

S.O. 2872.—The Central Government hereby guarantee the repayment of the principal and payment of interest at the rate of 10 per cent (ten per cent) per annum in respect of bonds of the face value of Rs. 11.15 crores to be issued by the Industrial Credit and Investment Corporation of India Ltd., in August, 1982 and maturing in February, 1984 for the purpose of borrowing from the Reserve Bank of India in terms of Section 17(4BB)(b) of the Reserve Bank of India Act, 1934 (2 of 1934) provided that the guarantee will remain in force for a period of 24 months from the date of issue of the bonds.

[No. 3(19)/IF-I/82]
I. R. MADAN, Dy. Secy.

(स्टॉक एक्सचेंज प्रभाग)

नई दिल्ली, 15 जुलाई, 1982

का० आ० 2873—प्रतिशत संविदा (विनियम) अधिनियम 1956 (1956 का 42) की धारा 7 के की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उन्नर प्रदेश स्टॉक एक्सचेंज एम्बेसेन लिमिटेड कानपुर द्वारा बनाया गया उन्नर प्रदेश स्टॉक एक्सचेंज एम्बेसेन लिमिटेड कानपुर के सराम अन्तर्लंगों का निम्नलिखित अनुच्छेद 95, जिसे उक्त संस्कार ने उपर्युक्त अधिनियम की धारा 7 के की उपधारा (2) की अपेक्षा के अनुसार अनुमोदित कर दिया है, केन्द्रीय मरकार द्वारा प्रकाशित किया जाना है, अध्यत्—

‘अनुच्छेद 95 (क)’—इसमें नीचे दिए गये प्रतिवधों के अधीन रहते हुए प्रथम क मद्दत के बारे में इसके चाहे मन हाथ खड़े करके दिया जाए अथवा मनाकर के द्वारा दिया जाए, मिवाय उस स्थिति के जबकि मतों की समानता हो, चाहे मन हाथ खड़े करके दिए हो अथवा मनाकर के द्वारा, उस बैठक का अध्यक्ष जिसमें भन हाथ खड़े करके दिए गए हैं अथवा मनाकर की माग की गई है, इसमें मन देन का भा हुक्मादार होगा।

(ख) किन्तु किसी भी विषय के सबध में, परोक्षा के रूप में किसी भी मतदान की अनुमति नहीं होगी चाहे मन हाथ खड़े करके दिया जाए या मनाकर के द्वारा।

(ग) किसी भी रेसे मद्दत को, जिसे निलिखित किया गया है, निष्कासित किया गया है अथवा अन्तिर्माण घोषित किया गया है, किसी भी बैठक में उपस्थित होने अथवा उसकी कार्यवाही में भाग लेने अथवा मतदान करने का अधिकार नहीं होगा।

[मध्या एफ० 19/1/एम०ई०/76]
नीर्माण कम्युनिकेशन में संग्रहीत संस्कृत संशिद

(Stock Exchange Division)

New Delhi, the 15th July, 1982

S.O. 2873.—The following Article 95 of the Articles of Association of the Uttar Pradesh Stock Exchange Association Ltd., Kanpur, made by the Uttar Pradesh Stock Exchange Association Ltd., Kanpur, in exercise of the powers conferred by sub-section (1) of section 7A of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), is published by the Central Government, the same having been approved by that Government, as required by sub-section (2) of section 7A of the said Act, namely :—

“Article 95 (a) : Subject to the restriction set out herein below, every member shall have only one vote, whether on a show of hands or on a poll except that in the case of equality of votes, whether on a show of hands, or on a poll, the Chairman of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second vote.

(b) No vote by proxy shall be allowed either on a show of hands or on a poll in respect of any matter.

(c) No member who has been suspended, expelled or declared defaulter, shall be entitled to be present at a meeting or to take part in any proceedings or to vote thereat.”

[No. F. 19/J/SE/76]
N. K. SEN GUPTA, Lt. Secy.

धैन्दीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, नवंबर 19 जुलाई 1982

(अध्यक्ष)

का० आ० 2874—केन्द्रीय प्रत्यक्ष कर बोर्ड, अध्यक्ष अधिनियम, 1961

(1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, समयसमय पर यथा संशोधित अधिनियम, मा० 679, नवंबर 20 जुलाई, 1974 का निम्नलिखित संघोषन करना है। अम म 16 और 16 के संभ 1, 2, और 3 के नीचे दियामान प्रविधियों को यथा निम्नलिखित संशोधन किया जाएगा, अधृत—

अध्यक्ष-कार्यालय	मुख्यालय	अधिकारिता
16 केन्द्रीय-1 मद्रास	मद्रास	(1) केन्द्रीय मर्किल-1, 2, 3, 4, 5, 11, 14, 15, 16, मद्रास
		(2) केन्द्रीय मर्किल 1 श्रीर 2 कोइबद्दूर
16क. केन्द्रीय मद्रास	मद्रास	(1) केन्द्रीय मर्किल 6, 7, 8, 9, 10, 12, 13 और 17 मद्रास

यह अधिनियम 20 मई, 1982 से प्रभावी होगा।

[मा० 4623/फा० स० 187/15/82-आई० दी०] (१)

(Central Board of Direct Taxes)

New Delhi, the 19th May, 1982

INCOME-TAX

S.O. 2874.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to its Notification No. 679 dated 20th July, 1974 as amended from time to time.

Existing entries under column 1, 2 and 3 against Sl. No. 16 and 16A shall be amended as follows :—

Commissioner of income-tax	Head- quarters	Jurisdiction
16. Central—I Madras.	Madras.	(i) Central Circles-I, II, III, IV, V, XI, XIV, XV, XVI, Madras. (ii) Central Circles-I and II, Coimbatore.
16A. Central-II, Madras.	Madras.	(i) Central Circles-VI, VII, VIII, IX, X, XII, XIII, and XVII, Madras. (ii) Central Circles-I and II, Madurai.

This notification shall take effect from 20th May, 1982.

[No. 4623/F. No. 187/15/82-ITDC(AI)]

MILAP JAIN, Under Secy.

नई विल्सी, 7 जून, 1982

(आधिकार)

का० भा० 2875—केन्द्रीय प्रत्यक्ष कर बोर्ड आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समय-समय पर यथा संशोधित प्रपनी अधिसूचना मा० 679 तारीख 20 जुलाई, 1974 में उपायकर अनुसूची का निम्नलिखित संशोधन करता है, अर्थात् :—

आयकर	मुख्यालय	आधिकारिता आवृत्ति
16 सेटल-I मद्रास	मद्रास	(i) केन्द्रीय सर्किल 1, 2, 3, 5, 11, 14, 15, मद्रास (ii) केन्द्रीय सर्किल 1 और 2, कोयम्बतूर (iii) केन्द्रीय सर्किल 1 और 2 मदुरे
16A सेटल-II मद्रास	मद्रास	(i) सेटल सर्किल 4, 6, 7, 8, 9, 10, 12, 13, 16 और 17, मद्रास

यह अधिसूचना 15 जून, 1982 से प्रभावी होगी।

[सा० 4671/का० सा० 187/15/82-आ० क० (ए आई)]
मिलाप जैन, अधिकारी, सचिव

New Delhi the 7th June, 1982
INCOME-TAX

S.O. 2875.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct taxes, hereby makes the following amendments to the schedule appended to its Notification No. 679 dated 20th July, 1974 as amended from time to time.

Existing entries under Column, 1, 2 and 3 against Sl. No. 16 and 16A shall be amended as follows:—

Commissioner of Income-tax	Head-quarters	Jurisdiction
1	2	3
16. Central-I Madras.	Madras.	(i) Central Circles-I, II, III, V, XI, XIV, XV, Madras. (ii) Central Circles-I and II, Coimbatore. (iii) Central Circles-I and II, Madurai.
16 A. Central-II, Madras.	Madras.	(i) Central Circles-IV, VI, VII, VIII, IX, X, XII, XIII, XVI, and XVII, Madras.

This notification shall take effect from 15th June, 1982.
[No. 4671/F.No.187/15/82-IT(AI)]

MILAP JAIN Under Secy.

वारिणीज्य संत्रासय

मुख्य नियंत्रक, आयात ५५० विवरित का कार्यालय

आवेदन

नई विल्सी, 23 जुलाई 1982

का० भा० 2876—श्री हूडराज सीतलवाम हिंगनी, 62-सी, नैट बीज, 52 पाली हिल रोड बाद्री बस्टी-50 को भारत में स्थायी निवास के लिए

वीट रहे भारतीयों के लिए विशेष सुविधाओं के अन्तर्गत मर्सेजीज बेज 240 डी कार के आयात के लिए 89,000/-रुपए का सीमा शुल्क नियामी परमिट स० पी० ज०/0390496 दिनांक 19-4-82 प्रदान किया गया था। आवेदक ने उपर्युक्त सीमा शुल्क निकासी परमिट की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क निकासी परमिट खो गया है। आगे यह बताया गया है कि मूल सीमा शुल्क निकासी परमिट किसी भी सीमा शुल्क प्राधिकारी के पास पजीकृत नहीं कराया गया था, इस प्रकार सीमा शुल्क निकासी परमिट के मूल्य का विस्तृत भी उपयोग नहीं किया गया है।

2 अपने तक के समर्थन में, लाइसेन्सधारी ने विल्सी के नोटरी परिलक के मम्मूल विधिवत् शैली लेकर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं सत्य हूँ कि मूल सीमा शुल्क निकासी परमिट स० पी० ज०/0390496/एन/एमरी/83/एच/82 दिनांक 15-4-82 आवेदक से छो गया या अस्थानांश हो गया है। समय-समय पर यथा संशोधित आयात नियंत्रण आदेश 1955 दिनांक 7-12-1955 के उपर्युक्त 9(सीसी) के अन्तर्गत प्रवत्त प्रधिकारों का प्रयोग करते हुए, सर्वश्री हूडराज सीतलवाम हिंगनी का जारी किए गए उक्त मूल सीमा पी स० पी० ज०/0390496/एन/एमरी/83/एच/82 दिनांक 15-4-82 का एनदब्ल्यूआर रद्द किया जाता है।

3 सर्वश्री हूडराज सीतलवाम हिंगनी को सीमा शुल्क निकासी की अनुलिपि प्रति भ्रष्ट से जारी की जा रही है।

[सा० से ए-555/81-82/वीएलएस/1532]
जे० पी० मिशन, उप-मुख्य नियंत्रक,
आयात एवं निर्यात

MINISTRY OF COMMERCE

Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 23rd July, 1982

S.O. 2876—Shri Hoondraj Sitaldas Hirani, 62-C, Land Breeze, 52 Pah Hill Road, Bandra, Bombay-50 was granted a CCP No. P.J.0390496 dt. 15-4-82 for Rs. 89,000 only, for the import of Mercedes Benz 240D Car under special facilities for Indians returning to India for permanent settlement. The applicant has applied for issue of a Duplicate copy of the above mentioned CCP on the ground that the original CCP has been lost. It has further been stated that the original CCP was not registered with any customs authority and as such the value of the CCP has not been utilised at all.

2 In support of this contention, the licensee has filed an affidavit, duly sworn before the Notary Public, Delhi. I am accordingly satisfied that the original CCP No. P.J.0390496 N|MP|83|H|82, dated 15-4-82 has been lost or misplaced by the applicant. In exercise of powers conferred under Sub-Clause 9 (cc) of the Import Control Order 1955 dated 7-12-1955, as amended from time to time, the said original CCP No. P.J.0390496 N|MP|83|H|82 dated 15-4-82, issued to Shri Hoondraj Sitaldas Hirani, is hereby cancelled.

3 A Duplicate copy of the CCP is being issued to Shri Hoondraj Sitaldas Hirani separately.

[F. No. A-555/81-82/BLS/1532]
J. P. SINGHAL, Dy. Chief Controller of
Imports and Exports.

रद्द करने का आदेत

नई विल्सी, 27 जुलाई, 1982

का० भा० 2877—निवेशक, पृष्ठा सी० स० ८० स्टेट इन्स्टीट्यूट आफ पर्सनल एडमिनिस्ट्रेशन जयपुर-4 को एक मिनोल्टा ई पी-310 आटोमेटिक लेने पेपर कपियर जिसके साथ उसके फालट्रू पुजे एवं किट भी आमिन है कि आयात के लिए एक आयात लाइसेंस स० जी/ए/1090778/बी/एक्स-एस/79/एच/81 दिनांक 29-6-81 जिसका लागत-सीमा भारा मूल्य 24000/- था जारी होने की तिथि से 12 माह की वैधता अवधि

लिए प्रवान किया था। अब आवेदक ने उक्त लाइसेंस की सीमा शुल्क प्रयोजन एवं विनिमय नियन्त्रण प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल प्रतियां उनसे खो गई हैं/प्रस्थानस्थ हो गई हैं। आवेदक ने आयात व्यापार नियन्त्रण नियमों के अनुसार एक शपथ पत्र दाखिल किया है जिसके अनुसार उपर्युक्त आयित लाइसेंस किसी भी सीमा शुल्क कार्यालय में पर्जित नहीं कराया गया था और न ही प्रयुक्त हुआ था तथा इस प्रकार लाइसेंस पर 24,000 रु का प्रयोग करना चाहिए है। शपथ पत्र में यह भी कहा गया है कि यदि उपर्युक्त सीमा शुल्क प्रति और विनिमय नियन्त्रण प्रति बाद में मिल जाएँगी या तो जो भी उपर्युक्त उसे जारी करने वाले प्राधिकारी को लौटा दिया जाएगा। मैं सत्याप्त हूँ कि मूल सीमा शुल्क प्रयोजन प्रति और मूल विनिमय नियन्त्रण प्रति जो गई है/प्रस्थानस्थ हो गई है और निदेश देता हूँ कि नियात लाइसेंस की विनिमय नियन्त्रण एवं सीमा शुल्क प्रयोजन प्रति आवेदक को जारी कर दी जाए। आयात लाइसेंस की मूल सीमा शुल्क एवं विनिमय नियन्त्रण प्रतिया एवं दाखिल की जाती है।

[मि० सं० 12/9/81-82/एमएलएम/290]

शंकर चन्द, उप-मध्य नियन्त्रक,

आयात एवं नियात कूटे मुक्य नियन्त्रक,

आयात एवं नियात

CANCELLATION ORDER

New Delhi, the 27th July, 1982

S.O. 2877.—The Director, H.C.M. State Institute of Public Administration, Jaipur-4 was granted an import licence No. G/A/1090978/C/XX/79/H/81 dated 29-6-81 for a C.i.f. value of Rs. 24,000 only for import of One No. Minolta EP-310 Automatic Plain Paper Copier with Spare Parts-Kits, valid for 12 months from the date of issue. Now the party has applied for grant of duplicate Customs Purpose and Exchange Control copies for the aforesaid import licence on the grounds that the original ones have been lost/misplaced by them. The party has furnished necessary affidavit as per I.T.C. Rules according to which the aforesaid import licence was not registered with any Customs House and was not utilised at all and the balance against the licence is Rs. 24,000. It has also been incorporated in the affidavit that if the said Customs Purpose and Exchange Control copies of the import licence are traced or found later on, these will be returned to the issuing authority. I am satisfied that the original Customs Purpose and Exchange Control copies of the import licence have been lost/misplaced and direct that duplicate Customs Purpose and Exchange Control copies of the import licence should be issued to the applicant. The original Customs Purpose and Exchange Control copies of the import licence are hereby cancelled.

[F. No. 12/9/81-82/MLS/290]

SHANKAR CHAND, Dy. Chief Controller of
Imports and Exports :
for Chief Controller of Imports and Exports

आदेश

नई दिल्ली, 28 जुलाई, 1982

का० आ० 2878.—सर्वश्री बोनाईगाव रिफाइनरी एण्ड पैट्रोकैमिकल्स लि० भा० भा० पैट्रोकैमिकल्स जिला गोलपारा (आमाम) को द्वावर सहित द्वाविल अवस्था से पूर्ण छ नग एस्टेट्स के आयात के लिए 19,73,700 रु० (उन्नीस लाख निहतर हजार सात सौ रुपये) भूम्य का एक लाइसेंस भा० आई/सीजी/2039574/सी/एमएम/80/एच/81/सीजी/2/एमएम दिनांक 27-8-81 प्रवान किया गया था। फर्म ने उपर्युक्त लाइसेंस की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क प्रयोजन प्रति जो गई है/प्रस्थानस्थ हो गई है। आगे यह भी बताया गया है कि सीमा शुल्क प्रयोजन प्रति का विकल्प भी उपयोग नहीं हुआ था।

2 अपने तरफ के ममर्थन में लाइसेंस धारी ने नीटरी यू०टी० दिल्ली के सामने विधिवत शपथ लेकर स्थान्य पेपर पर शपथ पत्र भी दाखिल

किया है तदनुसार, मैं सत्याप्त इस की मूल लाइसेंस सं आई/सीजी/2 दिनांक 27-8-81 खो गया है / प्रस्थानस्थ हो गया है। यथा-संशोधित आयात (नियन्त्रण) आदेश, 1955 की उपधारा 9 (सीजी) में प्रवल्त प्रधिकारी का प्रयोग करते हुए सर्वश्री बोनाईगाव रिफाइनरी, एण्ड पैट्रोकैमिकल्स लि० पौ० भा० पैट्रोकैमिकल्स, जिला गोलपारा (आमाम) के नाम जारी लाइसेंस सं आई/सीजी/39574/दिनांक 27-8-81 की मूल सीमा शुल्क प्रयोजन प्रति एन्ड 20/- दरवार रद्द की जाती है।

3. उपर्युक्त लाइसेंस की अनुलिपि प्रति आवेदक को 19,73,700 रु० की धनराशि के लिए अलग से भेजी गई अनुलिपि प्रति अलग से जारी की जा रही है।

[सं० सीजी-2/पीएण्डसी/(40)/81-82]

ORDERS

New Delhi, the 28th July, 1982

S.O. 2878.—M/s. Bongaigaon Refinery & Petrochemicals Limited, P.O. Petrochemicals, Dist. Goalpara (Assam) were granted licence No. I/CG/2039574/C/XX/80/H/81/CGII/L.S. dt. 27-8-81 for Rs. 19,73,700 (Rupees Nineteen Lakhs seventy three thousand and seven hundred only) for import of six Nos. Agitators complete with driving arrangement including driver. The firm has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original Custom Purpose copy has been lost/misplaced. It has further been stated that the Custom Purpose copy was unutilised.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before the Notary UT, Delhi. I am accordingly satisfied that the original licence No. I/CG/2039574 dt. 27-8-81 has been lost or misplaced by the firm. In exercise of the power conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended, the said original Custom purpose copy of licence No. I/CG/2039574 dt. 27-8-81 issued to M/s. Bongaigaon Refinery & Petrochemicals Limited, P.O. Petrochemicals, Dist. (Assam) were granted Licence No. I/CG/2039623-Goalpara (Assam) is hereby cancelled.

3. A duplicate licence of the above said licence is being the party separately, for the amount for which the duplicate licence is required i.e. Rs. 19,73,700.

[No. CGII/P&C(40)/81-82/538]

का० आ० 2879—सर्वश्री बोनाईगाव रिफाइनरी एण्ड पैट्रोकैमिकल्स लि०पौ० भा० पैट्रोकैमिकल्स जिला गोलपारा (आमाम) को संलग्न सूची के अनुसार पूंजीगत माल के आयात के लिए 5,03,11,300 (पाँच करोड़ तीन लाख चारह छाजार तीन सौ रुपये) भूम्य का एक आयात लाइसेंस सं० आई/सीजी/2039624/सी/एमएम/82/एच/81/सीजी-2/एमएम दिनांक 5-10-81 प्रवान किया गया था।

2. फर्म ने उपर्युक्त आयात लाइसेंस की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उनसे मूल सीमा शुल्क प्रयोजन प्रति जो गई है/प्रस्थानस्थ हो गई है। आगे यह भी बताया गया है कि सीमा शुल्क प्रयोजन प्रति का विकल्प भी उपयोग नहीं हुआ था।

3. अपने तरफ के ममर्थन में लाइसेंस धारी ने नीटरी यू०टी० दिल्ली के सामने विधिवत शपथ लेकर स्थान्य पेपर पर शपथ पत्र भी दाखिल

4 उपर्युक्त लाइसेंस की एक अनुमिति प्रति पार्टी को अलग में उम धनराशि के लिए जारी की जा रही है जिसके लिए अनुमिति प्रति मासिक गई है अर्थात् 5,03,11,300 रुपए के लिए जारी की जा रही है।

[मं० सीजी-2/पी गण्ड सा/(5.3)/ 81-82/539]

S.O. 2879.—M/s. Bongaigaon Refinery & Petrochemicals Ltd., P.O. Petrochemicals Dist. Goalpara (Assam) were granted Licence No. 1(CG)209624[C]XX'81[H'81]CGII/LS. dated 5-10-81 for Rs. 5,03,11,300 (Rupees Five crores three Lakhs eleven thousand and three hundred only) for import of Capital Goods as per list attached.

2. The firm has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original Custom Purpose copy has been lost/misplaced. It has further been stated that the Custom Purpose copy was unutilised.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before the Notary Ut Delhi. I am accordingly satisfied that the original licence No. I/CG/2039624 dt. 5-10-81 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control 1955), order, dated 7-12-1955 as amended, the said original Custom Purpose copy of Licence No. I/CG/2039624 dt. 5-10-81 issued to M/s. Bongaigaon Refinery & Petrochemicals Ltd, P.O. Petrochemicals Dist. Goalpara (Assam) is hereby cancelled.

4. A duplicate licence of the above said Licence is being issued to the party separately, for the amount for which the duplicate licence is required i.e. Rs. 5,03,11,300.

[No. CGII]P&C(53)81-82[539]

कांग्रेस 2880—मंत्रिशी बोंचा, हावा रिफाहनी प्रणाली और कैफियत सिमिटेड, पॉर्टो एंड एक्सिकल्स, जिन्होंने गोलपाठ (आमाम) को मनवन् सूची के अनुसार पृष्ठीगत माल के आयात के लिए 1,09,53,900/- का (एक करोड़ तीन लाख दो प्रैयन हजार तीन सौ रुपया) मूल्य का एक लाइसेन्स में छाई/सीजी/2039623/सी/एसएस/80/एक्स/81/सीजी-2/एलास दिनांक 5 अक्टूबर 1981 प्रदान किया गया था कर्म ने उपर्युक्त लाइसेन्स की अनुसिपि प्रति जारी करने के लिए इस अधिकार पर आवेदन किया है कि मूल प्रति उनसे स्थोर्ग हो गई है/अस्थानस्थ हो गई है। आगे यह भी बताया गया है कि सीमा शक्ति प्रयोजन प्रति बिल्कुल भी प्रयोग नहीं हो रही थी।

2. अपने नक्क के मरम्मतन में, लाइसेंस धारी ने नोटीटी यूटी. दिल्ली के सामने विधिवत् शास्त्र लेकर स्टाप्ट पेपर पर एक शपथ पत्र भी दखिल किया है। नदूनसार, मैं सनुष्ट हूँ कि मूल लाइसेंस म० आई/सीजी/2039623 बिनांक 5-10-81 फर्म से खो गई है/प्रधानमंथ हो गया है। यथा संग्राहित आयात (नियतण) आदेश 1955 की उपधारा 9 (सीमी) में प्रदत्त अधिकारी का प्रयोग करने द्वारा मर्यादी बोल्नाईगाव गिफ्टहनगे पंडुपंडुकैमिकल्स लिंपोंडोंपंडुकैमिकल्स किला यात्पारा (आमास) के हित में जारी मूल मीमा शुल्क प्रयोजन प्रति एतद्वारा रद की जाती है।

3. 1,09,53,900 रुपए की राशि के लिए मागा गया न्यायमेस पार्टी को अलग से जारी किया जा रहा है।

[ਸੋ ਸਾਂਝੀ 2/ਪੀਗਾਣਕਸਾਂ/52/81-82/540]

S.O. 2880—M/s. Bongaigaon Refinery & Petrochemicals, Limited, P.O. Petro-chemicals, Dist. Goalpara (Assam) were granted Licence No. I/CG/2039623/C[XX]80/H[81]CGII/L.S. dated the 5th October, 1981 for Rs. 1,09,53,900 (Rupees one crore nine lakhs fifty three thousand and nine hundred only) for import of capital Goods as per list attached. The firm

has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original Custom Purpose copy has been lost/misplaced. It has further been stated that the Custom Purpose copy was unutilised.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before the Notary UF, Delhi. I am accordingly satisfied that the original licence No. I/CG/2039623 dt. 5-10-81 has been lost or misplaced by the firm. In exercise of the power conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended, the said original Custom Purpose copy of licence No. I/CG/2039623 dt. 5-10-81 issued to M/s. Bongaigaon Refinery & Petrochemicals Limited, P.O. Petrochemicals Dist, Goalpara (Assam) is hereby cancelled

3. A duplicate licence of the above said licence is being issued to the party separately, for the amount for which the duplicate licence is required i.e Rs. 19,73,700.

[No. CGJI/P&C(52)81-82|540]

नई दिल्ली, 29 जूलाई, 1982

का०आ० 2881—सर्वेश्वी को० इन्दिया नि० कलकत्ता को० 13,44167
रुपए (तेरह लाख चत्ताशि८ हजार एक सौ मद्दसठ रुपए साल)
का आयात लाइसेंस म० आई/सोजी/2034479/आर/कॅम/७१/०.४/७१
सोजी-२/एलएम दिनांक ४-६-७९ य०के०मे चार द्वारकामंड़ आयात करने
के लिए प्रवान किया गया था। फर्म ने उक्त लाइसेंस की मुद्रा विनिमय
नियंत्रण प्रण की अनुलिपि जारी करने के लिए इस आधार पर तिवेदन
किया है कि आयात लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रण किसी
भी समा भूलक प्राधिकारी में पजीकृत करणे बिना खो गई अस्थानस्थ
हो गई है।

2 लाइसेंस धारी ने अपने इम मर्क के गमधन में न्यायिक मजिस्ट्रेट हायदराबाद के सामने विधिवत शपथ लेकर स्टाम पेपर पर एक शपथ पंच दाखिल किया है। तनुनसार मैं सन्तुष्ट हूँ कि आयात लाइसेंस सं० आई/सीजी/2034479 दिनांक 8-6-79 को मूल भुदा विनियम नियन्त्रण प्रति फर्म में खो गई/अस्थानस्थ हो गई है। यथा संशोधित आयात (नियवण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9(सीसी) में प्रदत्त ग्रन्तियों का प्रयोग करने वाले मर्वर्षी कोल ईन्डिया लि०, कलकत्ता को जारी किए गए आयात लाइसेंस मं० आई/सीजी/2034479 दिनांक 8-6-79 की मूल विनियम नियन्त्रण प्रति का प्रदाहारा रद्द किया जाना है।

३ पार्टी को उपर्युक्त आयात लाइसेंस की मुद्रा विनामय नियन्त्रण प्रति की अनुलिपि अपेक्षित धनरगणि के लिए अर्थात् 1344167/- को के लिए अलग में जारी की जा रही है।

[सं सीजी/उर्जा-15/78-79/544]
 वी०के०मेहना, उप मुख्य नियन्त्रक
 आयात-निर्यात
 करने मुख्य नियन्त्रक, आयात-निर्यात

New Delhi, the 29th July, 1982

S.O. 2881.—M/s. Coal India Limited, Calcutta were granted import licence No. I|CG|2034479|R|KS|71|H|79|GC II/LS dt. 8-6-79 for Rs. 13,44,167 (Rs. Thirteen lakhs forty four thousand one hundred and sixty seven only) for import of 4 Nos of Transformer from U.K. The firm has applied for issue of Duplicate copy of Exchange Control copy of the above mentioned import licence on the ground that the original Exchange Control copy has been lost/misplaced without having been registered with any Custom authority.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Judicial-Majistrate, Howiah. I am accordingly satisfied that the Origin-

nal Exchange Control copy of import licence No. I/CG/2034479 dt. 8-6-79 has been lost or misplaced by the firm. In exercise of the Power conferred under sub-clause (9)(cc) of the Import (Control) Order, 1955 dt. 7-12-1955, as amended, the said original Exchange Control copy of import licence No. I/CG/2034479 dt. 8-6-79 issued to M/s. Coal India Limited, Calcutta is hereby cancelled.

2. A duplicate F.C. copy of the above import licence is being issued to the party separately, for the amount for which the duplicate Exchange Control copy is required i.e. Rs. 13,44,167.

[C.G. II/Energy-15/78-79/544]

V. K. MEHTA, Dy. Chief Controller of
Imports & Exports

For Chief Controller of Imports and Exports

नागरिक पूर्ति मंत्रालय

नई दिल्ली, 29 जुलाई, 1982

कानूनी 2882—प्रधिम सचिवा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 3 की उपधारा (2) और (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार गतवृत्तारा नागरिक पूर्ति मंत्रालय में आधिकारिक सलाहकार, डा० पी० ए० न० कौल को उनके अपने वर्तमान कार्य के साथ-साथ 21 जुलाई, 1982 के प्रत्याहृत से वायदावापार आयोग, बम्बई के सदस्य के रूप में नियुक्त करती है और उन्हें उक्त आयोग के अध्यक्ष के रूप में भी उम समय तक के लिए नातिन करती है जब तक कि वायदा बाजार आयोग के अध्यक्ष के पद के लिए नियमित आधिकारी की नियुक्ति नहीं की जाती है।

[प्र० १२०११/१७/८२-प्रणा०-II]

मोहन लाल जाटव, अव० सचिव

MINISTRY OF CIVIL SUPPLIES

New Delhi, the 29th July, 1982

S.O. 2882.—In exercise of the powers conferred by sub-section (2) and (4) of Section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby appoints Dr. P. N. Kaul, Economic Adviser in the Ministry of Civil Supplies as a Member of the Forward Markets Commission, Bombay and also nominates him to be the Chairman of that commission w.e.f. the afternoon of the 21st July, 1982, in addition to his present duties of a regular officer for the post of Chairman, Forward Markets Commission.

[No. A. 12011/17/82-Estt. II]
M. L. JATAV, Under Secy.

नई दिल्ली, 3 अगस्त, 1982

का० आ० 2883—केन्द्रीय सरकार, वायदा बाजार आयोग के परमर्श में इंडियन एक्सचेंज असूलमर द्वारा अधिम सचिवा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन मान्यता के नवीकरण के लिए किए गए आवेदन पर विचार करके और अपना यह ममावान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में होगा, उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त एक्सचेंज की गुड में अधिम सचिवा की वाबन 10 अगस्त, 1982 को और से 4 अगस्त 1985 तक तीन वर्ष की अनिवार्य अवधि के लिए मान्यता प्राप्त प्रदान करती है।

2 इसके द्वारा प्रदत्त मान्यता इस शर्त के अधीन रहते हुए है कि उक्त एक्सचेंज ऐसे तरह का कर्तव्य करेगा जो वायदा बाजार आयोग द्वारा समय-समय पर विद्युत जाए।

[का० स० 12 (2) -आई० टी० 82/(I)]

New Delhi, the 3rd August, 1982

S.O. 2883.—The Central Government, in consultation with the Forward Markets Commission, having considered the

application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the Indian Exchange Limited, Amritsar, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a further period of three years on and from the 10th August, 1982 to 9th August, 1985 in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may, from time to time, be given by the Forward Markets Commission.

[F. No. 12(3)-IT/82/(I)]

का० आ० 2884—केन्द्रीय सरकार, वायदा बाजार आयोग के परमर्श से लुधियाना ऐसा एक्सचेंज लिं०, लुधियाना द्वारा, अधिम सचिवा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन मान्यता के नवीकरण के लिए किए गए आवेदन पर विचार करके और अपना यह ममावान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में होगा, उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त एक्सचेंज की गुड में अधिम सचिवा की वाबन 10 अगस्त, 1982 को और से 9 अगस्त, 1985 तक तीन वर्ष की अनिवार्य अवधि के लिए मान्यता प्रदान करती है।

2 इसके द्वारा प्रदत्त मान्यता इस शर्त के अधीन रहते हुए है कि उक्त एक्सचेंज ऐसे नियमों का अनुपालन करेगा जो वायदा बाजार आयोग द्वारा समय-समय पर दिए जाएँ।

[का० स० 12 (3) आई० टी० 82-II]
इन्द्र मोहन महाल, सचिव सर्विय

S.O. 2884.—The Central Government, in consultation with Forward Markets Commission, having considered the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the Ludhiana Grain Exchange Limited, Ludhiana, and being satisfied that it would be in the interest of trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a further period of three years on and from the 10th August, 1982 to 9th August, 1985 in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may, from time to time, be given by the Forward Markets Commission.

[F. No. 12(3)-IT/82(II)]

I. M. SAHAI, Jt. Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 24 जुलाई, 1982

का० आ० 2885—केन्द्रीय सरकार को यह प्रतीत होता है कि इसे उपायद अनुसूची में उल्लिखित भूमि में कोयला अभियान किए जाने की मंभावना है;

अतः केन्द्रीय सरकार, कोयला धारक धोत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उसमें कोयले का पूर्वभाग करने के अपने आज्ञा की सूचना देती है;

2 इस अधिमूलन के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण मैट्रिल कोयलफील्ड्स शिपिंग (राजस्व अनुभाग) द्वारा तो हाउन ग्रैंडी के कार्यालय में वा जिला मजिस्ट्रेट, घैनकानल (उडीमा) के कार्यालय

अधिकारी कीथला नियंत्रक, 1, काउन्सिल हाउस मट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन प्राप्त वाली भूमि में हितवद्ध सभी व्यक्तियों उक्त अधिनियम की धारा 13 की उपचारा (7) में निष्पष्ट सभी नक्शों,

बाटों और प्रम्य दस्तावेजों को, इस अधिसूचना के प्रकाशन को तारीख से 90 दिन के भीतर राजस्व अधिकारी, सैदूल कोलफील्ड लिमिटेड, बरभगा हाउस, राजी को भेजेंगे।

अनुसूची

नातिदि छलाक

तालचेर कोयला-क्षेत्र

झारंग सं० राजस्व/105/81-

तारीख 28-12-81

(जिसमें पूर्वोक्त के लिए अधिसूचित भूमि दर्शित की गई हैं)

क्रम सं०	ग्राम	तहसील	आना	ग्राम सं०	जि.ना	क्षेत्र	टिप्पणिया
1. दानरा	तहसील	कोयला खान	24	झेनकानल		2093.39	पूर्ण
2. फुर्जीनाथा	"	"	13	"		100.36	"
3. जम्बूबाहली	"	"	22	"		486.62	"
4. बादाजोरडा	"	"	52	"		1056.00	भाग
5. महेन्द्रपुर	"	"	121	"		271.65	पूर्ण
6. चितामणिपुर	"	"	21	"		28.93	"
7. नातिदी	"	"	83	"		334.22	"
8. बीलापुर	"	"	92	"		392.22	"

कुल क्षेत्र : 4763.39 एकड़ (लगभग)

या 1927.65 हेक्टर (लगभग)

सीमावर्णन

क-ब रेखा ग्राम दानरा की भागत: उत्तरी और भागत: पश्चिमी सीमा के साथ साथ जाती है और बिन्दु "ब" पर मिलती है।

ख-ग रेखा अंगुल तहसील की भागत: सीमा के साथ साथ जाती है और बिन्दु "ग" पर मिलती है।

ग-घ रेखा ग्राम बीलापुर और महेन्द्रपुर की दक्षिणी सीमा के साथ साथ जाती है और बिन्दु "घ" पर मिलती है।

घ-इ रेखा ग्राम बादाजोरडा से होकर जाती है और बिन्दु "इ" पर मिलती है।

इ-च-छ रेखाएं ग्राम बादाजोरडा, जम्बूबाहली और दानरा की भागत: पूर्वी सीमा के साथ साथ जाती हैं और बिन्दु "छ" पर मिलती हैं।

छ-क रेखा ग्राम दानरा की उत्तरी सीमा के साथ साथ जाती है और बिन्दु "क" पर मिलती है।

[सं० 19/29/82-सी० एस०]

स्वर्ण सिंह, प्रबंध सचिव

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 28th July, 1982

S.O. 2885—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan of the area covered by this notification can be inspected in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or in the Office of the District Magistrate, Dhenkanal (Orissa), or in the Office of the Coal Controller, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in section 7 of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited Darbhanga House, Ranchi, within 90 days from the date of publication of this notification.

SCHEDULE

Drg. No. Rv/105/81

Natidi Block
Talcher CoalfieldDated 28.12.81
(Showing lands notified
prospecting)

1	2	3	4	5	6	7	8
Sl. No.	Village No.	Tahsil	Police station	Vill ge number	District	Area	Remarks
1. Danra		Talcher	Colliery	24	Dhenkanal	2093.39	Full
2. Kuchinali		—do—	—do—	13	—do—	100.36	—do—
3. Jambubahali		—do—	—do—	22	—do—	436.62	—do—
4. Badojorda		—do—	—do—	52	—do—	1056.00	Part
5. Mahendrapur		—do—	—do—	121	—do—	271.65	Full
6. Chintamanipur		—do—	—do—	21	—do—	28.93	—do—
7. Natidi		—do—	—do—	83	—do—	334.22	—do—
8. Baulapur		—do—	—do—	92	—do—	392.22	—do—

Total area:—4763.39 acres (approx.)
or 1927.65 hectares (approx.)

Boundary description:

- A—B line passes along part northern and part western boundary of village Danra and meets at point 'B'.
- B—C line passes along the part boundary of Angul Tahsil and meets at point 'C'.
- C—D line passes along the southern boundary of village Baulapur and Mahendrapur and meets at point 'D'.
- D—E line passes through village Badojorda and meets at point 'E'.
- E—F—G lines pass along the part eastern boundary of villages Badojorda, Jambubahali and Danra and meets at point 'G'.
- G—A line pass along the northorn boundary of village Danra and meets at starting point 'A'.

[N. 10/29/82-CL]

SWARAN SINGH, Under Secy.

संस्कृति विभाग

मराठीय परम्परा संरक्षण

नई दिल्ली, 28 जुलाई, 1982

(पुरातत्व)

क्र/ो आ० 9886.—केन्द्रीय गवर्नर की गय है कि इससे उपर्युक्त अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है;

अतः केन्द्रीय गवर्नर, प्राचीन संस्मारक तथा पुगतर्क्षय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के प्रपत्ते आगय की दो मास की सूचना देती है।

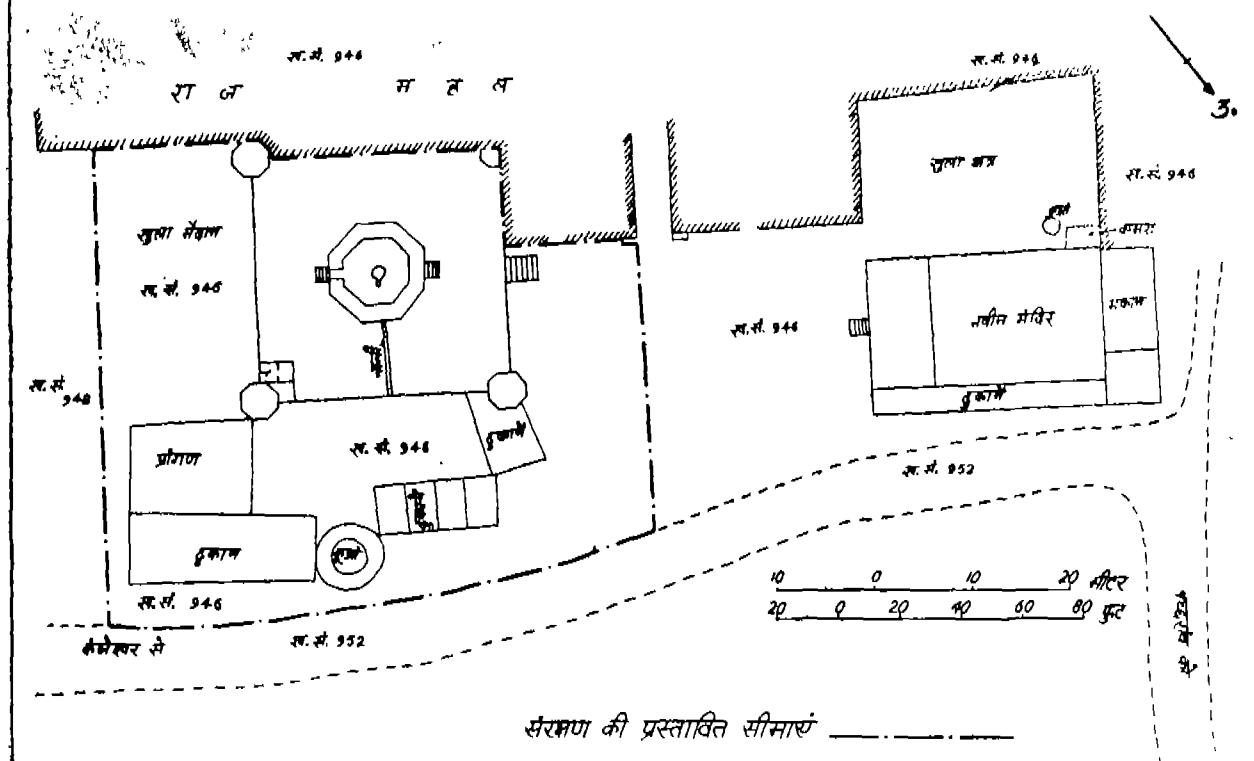
केन्द्रीय सरकार, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन संस्मारक में हितबद्ध किसी भी व्यक्ति से प्राप्त किसी प्राक्षेप पर विचार करेगी।

भाग संचयी

राज्य	जिला	तहसील	प्रवस्थान	संस्मारक का नाम	संरक्षण के अधीन सम्मिलित किए जाने वाले सर्वेक्षण प्लाट में
1	2	3	4	5	6
उत्तर प्रदेश	राय बरेली	महाराज गंग	राजमऊ	सर्वेक्षण प्लाट सं. 946 के भाग में स्थित शिव मंदिर और पार्वतस्थ धर्मि	सर्वेक्षण प्लाट सं. 946 का भाग

क्षेत्र	नीमाएं	स्वामित्व	टिप्पणी
7	8	9	10
0.2089 हैटर	उत्तर : सर्वेक्षण प्लाट सं० 952 में सड़क पूर्व : सर्वेक्षण प्लाट सं० 948 दक्षिण: सर्वेक्षण प्लाट सं० 946 के शेष भाग में राजमहल पश्चिम: सर्वेक्षण प्लाट सं० 946 का शेष भाग	ग्राम पञ्चायत्र	क्षेत्र में दुकानें प्रभागित हैं ।

राजा मऊ, बिला रायबरेली (3.प्र.) में स्थित शिख मंदिर का स्थल मानवित



[सं २/१६/७५-स्मा]

वेष्टला मित्र, महानिवेशक श्रीर मंयक सचिव पदेम

DEPARTMENT OF CULTURE
ARCHAEOLOGICAL SURVEY OF INDIA
(ARCHAEOLOGY)

New Delhi, the 28th July, 1982

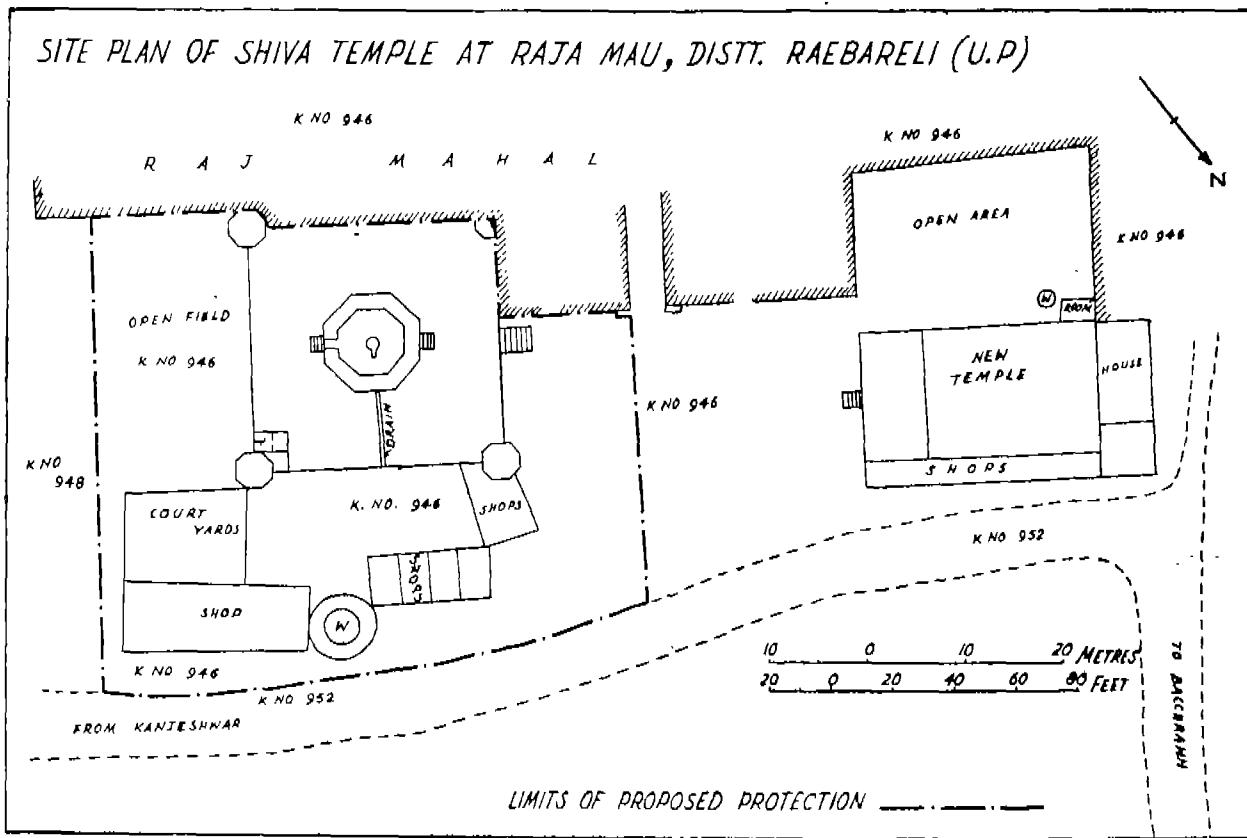
S.O. 2886:—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months notice of its intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of publication of this notification in the official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

SCHEDULE .

State	District	Tehsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
Uttar Pradesh	Rai Bareli	Maharaj Ganj	Rajmau	Shiva temple along with adjoining land comprised in part of survey plot No. 946.	Part of Survey plot No. 946	0.2089 hect.	North:—Road in survey plot No. 952 East:—Survey plot No. 948. South:—Raj Mahal in remaining portion of survey plot No. 946. West:—Remaining portion of survey plot No. 946.	Gram panchayat	Shops in the area are unauthorised



सिंचाई संग्रालय

नई दिल्ली, 14 जुलाई, 1982

का० आ० 2887.—बेतवा नदी बोर्ड अधिनियम, 1976 (1976 का 63वा) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा श्री रमेश चन्द्र, भारतीय लेखा तथा सेक्षाप-परीक्षा सेवा को बेतवा नदी बोर्ड, आसी में वित्तीय सलाहकार के रूप में 30 जून, 1982 के अपराह्न से 3 वर्ष की अवधि के लिए प्रधारा अगला आवेदा होने तक, इसमें जो भी पहले ही, नियुक्त करते हैं।

[सं० 10(26) 81-परि० तीन]

तरलीवत सिंह साहनी, अवर सचिव

MINISTRY OF IRRIGATION

New Delhi, the 14th July, 1982

S.O. 2887.—In exercise of the powers conferred by subsection (i) of Section 7 of the Betwa River Board Act, 1976 (63 of 1976), the Central Government hereby appoints Shri Ramesh Chandra, IA&AS as Financial Adviser, Betwa River Board, Jhansi from the afternoon of 30th June, 1982 for a period of 3 years or until further orders, whichever is earlier.

No. 10(26)81-P.III)

T. S. SAHNI, Under Secy.

प्राप्तीण विकास संग्रालय

नई दिल्ली, 28 जुलाई, 1982

का० आ० 2888.—क्रीमी श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 981 का एक प्राप्त, कृषि उपज (श्रेणीकरण और चिन्हांकन) अधिनियम 1937 (1937 का 1) की धारा 3 द्वारा यदा प्रयोक्ता भारत सरकार के ग्रामीण पुनर्नियन्त्रण संभालाय की अधिसूचना सं० का०आ० 1186 त. रोड 20 मार्च 1981 के अधीन भारत के राजपत्र भाग 2 अं० 3, उपलंड (ii) तारीख 11 अप्रैल, 1981, पृष्ठ 1163 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशित की तारीख से पैतालिस दिन की अवधि की समाप्ति के पूर्व उन सभी व्यक्तियों से आक्षेप और सुनाव मार्ज गये थे, जिनके उसके प्रभावित होने की संभावना है;

और उक्त राजपत्र की प्रतियाँ 20 मई, 1981 को जनता को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार ने उक्त प्राप्त की बाबत जनता से प्राप्त आक्षेपों/सुनावों पर घिकार कर लिया है;

अतः केन्द्रीय सरकार, कृषि उपज (श्रेणीकरण और चिन्हांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निन्नलिखित नियम बनाती है, अर्थात्:—

- (1) इन नियमों का संक्षिप्त नाम क्रीमी मक्कन श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1982 है।

(2) ये राज्यवत में प्रकाशन की तारीख को प्रयुक्त होंगे।

2. क्रीमी मक्कन श्रेणीकरण और चिन्हांकन नियम, 1941 में—

(i) नियम 6 में—

(क) छंड (घ) के स्थान पर निन्नलिखित छंड रखा जायेगा, अर्थात्:—

"(घ) वैकिंग के समय मक्कन का शुद्ध भार, जो मानक पैकेज होगा, अर्थात्:— 10 ग्राम, 25 ग्राम, 50 ग्राम, 100 ग्राम, 200 ग्राम, 250 ग्राम, 400 ग्राम, 500 ग्राम, 1 किंग्रा०, 2 किंग्रा०, 5 किंग्रा० और तत्प्रथाकृत 5 किंग्रा० के गुणजों में";

(घ) छंड (घ) के पश्चात निन्नलिखित छंड (घ) अन्त स्थापित किया जाएगा, अर्थात्:—

"(घ) बसा प्रतिशत"।

(ii) अनुसूची 1 में—

(क) साधारण लक्षण शीर्षक के प्रश्नीन, संख्या 3 की मद (म) में, "60° फॉ" अंक और अक्षर के स्थान पर "15° से", अंक और अक्षर रखे जाएंगे।

(घ) संख्या 3 के नीचे मद (म) के पश्चात निन्नलिखित मद अंक स्थापित की जाएंगी, अर्थात्:—

"(म) एवं शुद्ध देरी नमक आला जाता है तो वह भार में लंग प्रतिशत से अधिक नहीं होगा"।

[सं० फा० 13-11/77-१० एम०]

राम सिंह, अवर सचिव

MINISTRY OF RURAL DEVELOPMENT

New Delhi, the 28th July, 1982

S.O. 2888.—Whereas a draft of the Creamery Butter Grading & Marking (Amendment) Rules, 1981, was published as required by the Section 3 of the Agricultural Produce (Grading & Marking) Act, 1937 (1 of 1937), at page 1153 of the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 11th April, 1981 with the notification of the Government of India in the Ministry of Rural Reconstruction No. S.O. 1186, dated the 20th March, 1981, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of forty five days from the date of publication of the said notification in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 20th May, 1981;

And whereas objections/suggestions received from the public in respect of the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking)

Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, namely :—

1. (1) These rules may be called the Creamery Butter Grading & Marking (Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Creamery Butter Grading and Marking Rules, 1941 :—

(i) In rule 6,—

(a) for clause (d), the following clause shall be substituted, namely :—

"(d) Net weight of butter contained at the time of packing which shall be the standard packages, namely, 10 gm, 25 gm, 50 gm, 100 gm, 200 gm, 250 gm, 500 gm, 1 Kg, 2 Kg, 5Kg, and thereafter in multiples of 5 Kg."

(b) After clause (d), the following clause (e) shall be inserted, namely :—

"(e) Fat content percentage."

(ii) In Schedule I,—

(a) Under the heading General Characteristics, in column 3, in item (c), for the figures and letter "60°F", the figures and letter "15°C" shall be substituted.

(b) under column 3, after item (i), the following item shall be inserted, namely :—

"(j) Clean dairy salt when added shall not exceed 3 per cent by weight."

[No. F. 13-11/77-AM]

RAM SINGH, Under Secy.

नौवहन और परिवहन मंत्रालय

(आधार नौवहन)

नई दिल्ली, 31 जुलाई, 1982

क्रा० शा० 2889—आधार नौवहन प्रधिनियम, 1958 (1958 का 44) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा श्री आर०डी० प्रधान भारतीय प्रणालनिक सेवा के स्थान पर 19 जून, 1982 अपराह्न से श्री श्री०फ० राव भारतीय प्रणालनिक सेवा (ए.पी. 54) को नौवहन महानिवेश, बम्बई के पक्के परियुक्त करते हैं।

[सं० एस डॉल्यू/1-एमडीएम(4)/82-एम ५]

एस०एन० फैक्ट्र०, निदेशक

MINISTRY OF SHIPPING & TRANSPORT

(Shipping Wing)

New Delhi, the 31st July, 1982

(Merchant Shipping)

S.O. 2889.—In exercise of the powers conferred by subsection (1) of Section 7 of the Merchant Shipping Act, 1958

(44 of 1958), the Central Government hereby appoints with effect from the afternoon of 19th June, 1982, Shri B. K. Rao, I.A.S. (AP : 54) as Director General of Shipping, Bombay vice Shri R. D. Pradhan, I.A.S.

[No. SW/1-MDS(4)/82-MA]

S. N. KAKAR, Director

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली 14 अगस्त, 1982

क्रा. आ० 2890.—केन्द्रीय सरकार क्षेत्र डी०-5 डी०आई०जैड० क्षेत्र (केन्द्रीय विकास चिक्कि में निम्नलिखित संशोधन करने का विचार कर रही है, एवं द्वारा जिसे सार्वजनिक सूचना हेतु प्रकाशित किया जाता है। इस प्रस्तावित संशोधन के सम्बन्ध में जिस किसी व्यक्ति को कोई आपत्ति या सुभाव देना हो तो वे अपनी आपत्ति या सुभाव इस सूचना के 30 दिन के भीतर सांकेतिक, दिल्ली विकास प्राधिकरण, विकास मीनार, इन्ड्रप्रस्थ इस्टेट, नई दिल्ली के पास लिखित रूप में भेज दें। जो व्यक्ति अपनी आपत्ति या सुभाव दें, वे अपना नाम एवं पूरा पना लिखें।

संशोधन :

क्षेत्र डी०-5 में पड़ने वाले 1.17 हेक्टर (2.895 एकड़े) क्षेत्र (डी०आई०जैड० क्षेत्र) जो 26 मीटर ऊँड़ों भूमि की पट्टी के रूप में है और 45.72 मीटर ऊँड़े मुख्य योजना मार्ग (मार्केट रोड) के पांचवां और है और आवासीय उपयोग भूमि (हैवलाक स्ववायर पृष्ठताछ कार्यालय और नई दिल्ली नगर पालिका बार्टर्स को जाने वाली 13.72 मीटर ऊँड़ों सड़क), के बीच में है, का भूमि उपयोग "आवासीय उपयोग" से "सांस्थानिक उपयोग" में परिवर्तित किया जाना प्रस्तावित है।

प्रस्तावित संशोधन का वित्त अवधि के दौरान शान्तिकार को छोड़कर और सभी कार्यालय दिनों में दि.वि.प्रा. के कार्यालय, विकास मीनार, इन्ड्रप्रस्थ इस्टेट, नई दिल्ली में निरीक्षण के सिए उपलब्ध रहेगा।

[सं. एफ. 20/2/82-एम. पी.]

नाथ॒ राम॑, सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 14th August, 1982

S.O. 2890.—The following modification which the Central Government proposes to make to the Zonal Development Plan for Zone D-5 (D. I. Z. Zone) is hereby published for public information. Any person having any objection or

2. This supersedes Ministry of Supply and Rehabilitation (Department of Rehabilitation)'s notification No. 1(2)/Spl. Cell/81-SS. II(C) dated 24-11-81.

[No. 1(12)/Spl. Cell/82-SS. II(A)]

का०आ० 2894—विस्थापित व्यक्ति (द्वा०) प्रशुप्तक अधिनियम, 1954 (1954 का 12) की धारा 2 की उपधारा (1) द्वारा ग्रन्ति व्यक्तियों का प्रयोग करने हुए केंद्रीय सरकार इसके द्वारा पुनर्वास विभाग के बन्दोबस्तु विभाग में बन्दोबस्तु अधिकारी श्री मदन लाल को उनके प्रपते कार्यभार के अतिरिक्त, उक्त अधिनियम के प्रधीन प्रपत बन्दोबस्तु आयुक्त को सीधे गण कार्यों का नियादन करने के प्रयोजन से, तत्काल प्रशासन से अपर बन्दोबस्तु आयुक्त के रूप में नियुक्त करती है।

इसमें भारत सरकार, पूर्ण और पुनर्वास विभाग (पुनर्वास विभाग) की अधिसूचना सं० 1(2)/विशेष मैल/81-प्रभ०प्रभ०-II(क) दिनांक 24-11-1981 का अनिक्रियण किया जाता है।

[सं० 1(12)/विशेष मैल/82-प्रभ०प्रभ०-2(ए)]

S.O. 2894.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Person (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri Madan Lal, Settlement Officer in the Settlement Wing under the Department of Rehabilitation, as Additional Settlement Commissioner, in addition to his own duties for the purpose of performing the functions assigned to such officer by or under the said Act, with immediate effect.

2. This supersedes Government of India, Ministry of Supply and Rehabilitation (Department of Rehabilitation)'s Notification No. 1(2)/Spl. Cell/81-SS. II(A) dated 24-11-1981.

[No. 1(12)/Spl. Cell/82-SS. II(B)]

का०आ० 2895—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा ग्रन्ति व्यक्तियों का प्रयोग करते हुए, केंद्रीय सरकार इसके द्वारा पुनर्वास विभाग के प्रधीन बन्दोबस्तु विभाग में बन्दोबस्तु अधिकारी श्री मदन लाल को उनके प्रपते कार्यभार के अतिरिक्त, उक्त अधिनियम द्वारा या उनके प्रधीन प्रबन्ध अधिकारी को सीधे गण कार्यों का नियादन करने के लिए तत्काल प्रमाण से प्रबन्ध अधिकारी के रूप में नियुक्त करती है।

[सं० 1(12)/विशेष मैल/82-प्रभ०प्रभ०-2(ग)]

S.O. 2895.—In exercise of the powers conferred by the sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri Madan Lal, Settlement Officer, in the Settlement Wing under the Department of Rehabilitation, as Managing Officer, in addition to his own duties, for the purpose of performing the functions assigned to such officer by or under the said Act, with immediate effect.

[No. 1(12)/Spl. Cell/82-SS. II.(C)]
M. K. KANSAL, Under Secy.

नई दिल्ली, 27 जून 1982

का०आ० 2896—विस्थापित व्यक्ति (प्रतिकर और पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा ग्रन्ति व्यक्तियों का प्रयोग करते हुए, केंद्रीय सरकार इसके द्वारा पुनर्वास विभाग में सहायक बन्दोबस्तु आयुक्त श्री ही०मी० चड्हा को, उनके प्रपते कार्यभार के अतिरिक्त, उक्त अधिनियम द्वारा या उनके प्रधीन बन्दोबस्तु आयुक्त को सीधे कार्यों का नियादन करने के लिए बन्दोबस्तु आयुक्त नियुक्त करती है।

[सं० 1(2)/विशेष मैल/81-प्रभ०प्रभ०-II]
मैरेंट कुमार कमाल, अपर सचिव

New Delhi, the 27th July, 1982

S.O. 2896.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri D. C. Chahal, Assistant Settlement Commissioner, Department of Rehabilitation as Settlement Commissioner for the purpose of performing, in addition to his own duties as Assistant Settlement Commissioner, the functions assigned to a Settlement Commissioner by or under the said Act.

[No. 1(2)/Spl. Cell/81-SS. II]
M. K. KANSAL, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 4th August, 1982

ORDER

S.O. 2897.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs V. Patel & Company and others and their workmen, which was received by the Central Government on the 21st July, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Shri M. A. Deshpande,

PRESFNT :

Presiding Officer

Reference No. CGIT-2/15 of 1980

Reference No. in Central Govt. Industrial Tribunal No. 1 being No. CGIT-13 of 1967.

PARTIES

Employers in relation to M/s. V. Patel & Co. and others

AND

Their Workmen

APPFARANCES

For the Employers—Shri S. Subramanian, Advocate.
For the Workmen—Shri R. C. Ganesan, Advocate.

INDUSTRY :

STATE : Tamil Nadu

Potts and Docks

Bombay, the 28th June, 1982

AWARD PART IV

By their order No. 28(14)/67-LRIII dated 24-5-1967 the Central Government referred the following dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the employers specified in Schedule I hereto annexed are justified in not implementing the recommendations made by the Central Wage Board for Port and Dock Workers from time to time in respect of payment of interim Relief and Additional Dearness Allowance to all their employees with retrospective effect. It so, to what Scheme of Dearness Allowance are their employees entitled and from what date and what should be the pro-

per scales of pay for the said employees, the method of classification, fixation and adjustment, in the revised pay scales and from what date?"

2. It was a composite reference in the sense that there were not only the Clearing and Forwarding Agents from Bombay but also 75 employers doing the same type of business at Madras. So far as the Bombay dispute is concerned final certain shall be deemed to have been drawn by Award Part III which was passed just now and the dispute no longer survives. Such however is, not the case with the Madras people, and the same stands hotly contested.

3. Even the date of the order of reference would indicate that more than 15 years have passed from the said date and much water has flown under the bridge from the said time till today. There are certain events though post reference, the cognisance of which cannot be avoided to be taken, may such cognizance would facilitate in arriving at a correct conclusion. Sages always frown at becoming wise after event but they themselves say that every rule has an exception and in the present case at least, to be wise by becoming wise after event would be the only wise act, because there are acts and actions on the part of the parties though of post reference period are vital to the controversy which through search light on the issues involves and the whole controversy when viewed in the perspective of the those actions or note, if a particular version is found to be belied by such act or action, it would have its own consequences.

4. Really speaking the statement of claim, written statement, counter-written statement or rejoinders are running into pages but because of the various developments the field of controversy is very much constricted and what will have to be decided would be whether there was an employer-employee relationship between the Clearing and Forwarding Agents trading at Madras Port and the members of the two unions who are agitating the present matter namely Madras Harbour Workers' Union and the Madras Port and Dock Workers' Even if such a relationship is established, the first hurdle shall be deemed to have been crossed and then would arise the second question namely whether these employers should have implemented the recommendations made by the Central Wage Board for Port and Dock Workers in their employment. For this purpose various factors including also the rating capacities of these employer will have to be considered and so also other points discussed by the Wage Board and in the light of these factors and also in the light of the final report of the Wage Board and the Award passed by the Industrial Tribunal at Madras whereby the strength of the employees was restricted and also certain reliefs were given, the final award shall have to be passed.

5. If we have a cursory glance at the dispute referred in Schedule II of the reference, it would be evident that this Tribunal is not called upon to determine whether A, B, C, is in the employment of the X, X, X, employers, what was the period of the said employment and what would be the total liability, but this Tribunal is only called upon to determine whether these employers situated at Madras are justified in not implementing the recommendations made by the Central Wage Board for Port & Dock Workers in respect of the Interim Reliefs. If the finding in the affirmative is arrived at the matter so far as this Tribunal is concerned would be over. The second part of the reference will be gone into only if the finding is that the employers are justified in not implementing the recommendations of the Wage Board, then what scheme of Dearness Allowance and from what date and what should be proper scale of pay, the method of classification, fixation and adjustment in the revised pay scale will have to be considered and decided. However if the finding is that they were not justified, the whole thing will be over in that case there would be liability to the extent of interim relief to the workers which would be determinable in subsequent proceedings under Section 33C(2) of the Act.

6. In the course of trial as well as in the argument a fear was expressed on behalf of the employers that any finding noted by the Tribunal is likely to open pandora's box and more trouble is likely to be created while attempting to execute the present award. Of course this expression of fear shall have to be borne in mind and all endeavour should be made to see that finality is given to the Award passed so that the Award is speedily implemented and the reliefs if

given are made available to the parties entitled to the same. It may be that while implementing the Award dissatisfaction is likely to be displayed by a microscopic minority, yet the matter cannot be protracted for indefinite period apprehending such dissatisfaction because if the dispute is allowed to continue even after award it may become chronic and it may disturb the peace in the industry and ultimately all including the majority may be devoured in the macstruum. With this in mind we shall turn to the controversy on hand. So far as the pleadings of the parties from Madras are concerned, there is reference even in the Award passed by my predecessor long back. These pleadings run into pages but as indicated when the field of controversy has become constricted the reference in details to their pleadings at this stage of proceedings may not arise.

7. Issues for consideration in the light of those pleadings and in the light of the arguments advanced and the nature of the controversy which arise for determination are :—

- (i) Whether there is relationship of employer and employees between the Clearing and Forwarding Agents at Madras on one hand and Maistries and Mazdoors serving in the docks on the other? yes
- (ii) Had the body of employers namely Clearing and Forwarding Agents at Madras opportunity to plead their case at the time of grant of interim relief by the Wage Board? yes
- (iii) Whether the Clearing and Forwarding Agents were justified in not implementing the recommendations of the Wage Board in this regard? No
- (iv) If not justified to what relief the employees are entitled and from what date? Does Not arise

8. Reference to the second part of the issue referred to was already made which survives in case the non-implementation of the recommendations of the Wage Board is found to be justified. Until now the parties concentrated upon the first part of the order of reference and no material written or oral has been brought on record which would be relevant to the second part of the same. Only course of action therefore would be that in case the Clearing and Forwarding Agents are found justified in not implementing the recommendations, opportunity will have to be given to the parties to substantiate their respective version in regard to second part of the reference. The question would not arise in case they were held not justified in not implementing the recommendations because in the light of such finding, the relief can be granted, which would resolve the controversy.

9. In the pleadings and in the oral evidence there is discrepancy noticed namely when at the time of pleading the employers were contending that the Mazdoors or the employees or the workmen were employees of Maistries/independent contractors and the whole tenor of which pleading was to connect these employees with the Maistries who were described as independent contractors, at the time of oral evidence, a case was tried to be made, whereby both these Maistries and Mazdoors were said to be employees of the Transport Contractors having nothing to do with the Clearing and Forwarding Agents and it was urged that even if there existed the employer-employee relationship with the Maistries and Mazdoors on the hand and the Transport Contractors on the other who had contracted to perform certain duties of the Clearing and Forwarding Agents, the employees of such Transport Contractors cannot claim relationship between the Clearing and Forwarding Agents and themselves. This material alteration in the stand at the time of oral evidence can never go unnoticed and it is bound to have far reaching consequences on the plea raised by the employers. I have considered the various pleadings filed on behalf employers, the written statement and those in reply to the claim statement of one of the

Unions and I repeat to mention that the whole turnover was that the Maistries were employers who as independent contractors were carrying on the work of loading and unloading through the Mazdoors employed by them. Therefore the fact that subsequently then the scheme was implemented, both the Maistries and Mazdoors were termed as employees would carry all the force which it has got.

10. There are various allegations which speak of the nature of the duties performed by the Clearing and Forwarding Agents also known as Custom House Agents. Under Section 146 of the Custom Act, 1962 no person shall carry on business as an agent relating to the entry or departure of a conveyance or the import or export of goods at any customs station unless such person holds a licence granted in this behalf in accordance with the regulations. Sub-section (1) of Section 167 lays down that where the Act requires anything to be done by the owner, importer or exporter of any goods, it may be done on his behalf by his agent and sub-sections (2) and (3) lay down the liability of principal and agent. That such were the agents whose names are mentioned in the order of reference stands admitted. However at the concluding stage of the matter I was given to understand that 26 employers have ceased to function and they no longer hold any license under the Act. However, there is nothing to verify and no finding one way or other is possible and therefore the matter will have to be left for decision in a subsequent proceeding if occasion arises.

11. Another piece of legislation which has a direct relation is under the Dock Workers (Regulation of Employment) Act, 1948 where the term of 'Dock Worker' has been defined under Section 2 (b) and it means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharges of cargoes or leaving port. We also notice the definition of 'Employer' under Section 2(c) where it means, in relation to a dock worker, the person by whom he is employed or to be employed as aforesaid. Section 3 of the Act contemplates scheme for ensuring regular employment of workers which scheme the record speaks has been framed for Madras Port and to which a reference would be made shortly. Sub-section (2) of Section 3 makes incumbent to provide for the application of the scheme to such classes of dock workers and employers as may be specified therein, for defining the obligations of dock workers and employers, for regulating the recruitment entry into the scheme of dock workers etc. Provisions above referred to as well as contents of the scheme which I am told came into force on 14th April, 1978 would certainly give us clue for the decision of the present case.

12. At the time of oral evidence of the parties certain questions were put as well as certain documents were brought on record going to indicate that under the scheme when the lists were being prepared of the employees as well as the employers, the parties were required to furnish certain information in the prescribed form which information was furnished and is in the custody of the scheme office which is administrative Committee. At this stage I am given to understand by Shri Subramanian learned Advocate for the Employers that the Scheme which was formulated and which is in operation in the Madras Port is not a statutory scheme contemplated under the Dock Workers (Regulation of Employment) Act, 1948 but a sort of private scheme arrived at by the common consent of the Employers and the employees prescribing certain factors indicated therein. Whether de jure or de facto so far as the present controversy is concerned, the material gathered by the office of the Scheme and the various provisions of the scheme on which the parties on own volition support would be certainly relevant and rendering great help. The objects of the scheme as seen from clause 2 which defines the objects of the Scheme, are to ensure greater regularity of employment for dock clearing and forwarding workers and to secure that an adequate number of dock clearing and forwarding workers is available for the efficient performance of dock clearing and forwarding work. Clause 13 deals with listing of employers and sub-clause (1) says that the Board shall maintain a list of Employers to whom the scheme applies while sub-clause (3) speaks that every licensed Custom House Clearing and Forwarding Agents, Importers and Exporters who have handled their cargo directly and contractors who in the opinion of the Board

have handled substantial work in the Harbour and who apply for listing as an employer under the Scheme on or before such date as may be fixed by the Board for this purpose shall be entitled to be listed under the Scheme. Here there is reference to the word Contractors which repeatedly croped in during the evidence but the contractors must be such who in the opinion of the Board have handled substantial work in the Harbour. There is then clause 14 regarding listing of Workers, Sub-clause (1) of which lays down that any worker, who has been in the employment of an Employer to whom the scheme applies and has worked under him for such number of days or shifts during such period as may be prescribed by the Board shall subject to the conditions laid down be eligible for being listed. Proviso to sub-clause (2) makes a provision regarding resolving all controversies and says that "provided that if any question arises whether or not worker has been in the employment of his employer and has worked under him for such number of days or shifts as may be prescribed by the Board, it shall be referred to such officer, authority or Committee as the Board may specify for the decision of such officer, authority or committee as the case may be." Sub-paragraph (iii) of sub-clause (2) of Clause 14 deals with the period for which a worker of a class specified in the schedule has served on work relatable to that class under a particular employer while the opening part of sub-clause (2)(i) speaks of application and says each eligible worker shall apply to the Board through his employer on or before such date as may be fixed by the Board and the application shall be submitted in duplicate in the form prescribed by the Board and shall be accompanied by three copies of passport size photograph of the worker concerned. Sub-paragraph (iv) of sub-clause (2) enjoins upon the employers while forwarding the application of the workers if he does not recommend the application to state the reasons for which he does not recommend the application. Then comes sub-paragraph (vi) which says that if the application is in order the Board shall enter the name of the worker in the list of workers and retain one copy each of the application and the photograph for record and return the other copy of the application with a photograph affixed on it together with a Photo-identity card to the listed employer through whom the application has been received and the employer shall hand over the photo-identity card to the worker concerned. While dealing with the topic of classification of workers in the lists clause 16 sub-clause (2) speaks that the workers listed under the Scheme shall be classified into (a) Maistries and (b) Clearing and Forwarding Mazdoors.

11. Even accepting the statement on behalf of the employers that the scheme is defacto scheme and assuming that it is a sort of family arrangement between the employers brought about for the purpose of carrying on and to do the Clearing and Forwarding operation, still one fact is certain that sufficient care was taken to gather material while listing the employers as well as the Mazdoors who were classified as Maistries and Mazdoors to specify under whom a particular employee worked and the period for which he was in service which details were required to be furnished in the application which was forwarded by the concerned employers themselves. While determining ultimately the financial liability, this material readily available would give finality to the claims made by the respective parties.

12. It is not that the Association of the Clearing and Forwarding Agents or the Clearing and Forwarding Agents themselves arranged as Respondents in the present case contend that no Mazdoors were employed for the purpose of loading or unloading or that the work of loading and unloading was done by machine requiring no help of such Mazdoors but what was pleaded was that there existed an intermediary, in the pleading he is described as Maistries while in the evidence he has been described as Transport Contractor, who used to employ the Mazdoors and who was the employer and not the Clearing and Forwarding Agents for whom this work was undertaken, though ultimately the bill was being footed by the Clearing and Forwarding Agents himself. This however, according to these employers was not by way of emoluments or wages to these Mazdoors but by way of contractors charges not creating any relationship of employer-employee between the Mazdoors and the Clearing and Forwarding Agents. In this connection it would be material to note that the letter dated 14-11-1969 brought on record on behalf of the body of em-

ployers which is a letter addressed by the National Clearing and Shipping Agency of which Shri Rajaman, who is the witness examined on behalf of the management is the Manager. The letter is addressed to Shri M. V. Lakshminarayan and deals with the proposed clearing Agents Labour Pool. The letter refers to the listing workers annexed who have been working through International Clearing and Shipping Agency who were handling various consignments and the details furnished are 61 employees who were working for them for hadling various cargoes as detailed. At the same time the letter also speaks that there was a separate list of 41 workers beginning with Shri Venkatesan who according to the International Clearing and Sh ppng Agency were employed by their Carting Contractor Shri A. Shanmugam who Transports oil caks, Farre Silloon etc. at the time of shipment and these workers were engaged by him for loading and unloading of lorries and were paid by him directly while the passes were arranged by the Agent. In the last paragraph shows that all the workers not only to the work of National Clearing and Shipping Agency but also they work with other companies. What would be the effect of this letter on the basis of oral evidence that they were getting the work of loading and unloading done by these workman. Atleast the letter of International Clearing and Shipping Agency cannot deny the relationship of Em ployer-employee between themselves and the 61 workers listed in the first list. Therefore when at the time of oral evidence or in the pleadings an attempt was made to suggest that the Maistries are contractors of Clearing and Forwarding Agents and they are coming to the seeme through somebody this statement gets a shattering blow from the opening paragraph of letter dated 14-11-1969. The said letter, admits the relationship of employer-employee between the International Clearing and Shipping Agency and 61 employees atleast.

13. I have already stated that I am not here to decide whether the workmen were in the service of a particular employer but what I am called upon to decide are the rights, and once these rights are declared, the implementation will have to be left to the other forum constituted under the Industrial Disputes Act.

14. Before embarking upon discussing the oral evidence adduced by the respective parties, in order to indicate the nature of relationship, it would be convenient to refer to the various angles of the case as dealt with by the Wage in their final report. At page 58 paragraph 4.2.105 to 4.2.109 we find reference to Clearing and Forwarding Agents' workers. It stated that the Clearing and Forwarding agents attend to their functions at Customs house and at the jetties and docks, which relate to procressing Bills of Entry or Shipping Bills etc. It is further stated that Clearing and Forwarding Agents are now known as Customs House Agents. Further it is stated that there are several categories of workers employed in connection with clearing and forwarding work, that all cargoes which are cleared or shipped have to be either loaded into lorries or wagons or unloaded from lorries or wagons by workers. A large number of workers, therefore work as loading and unloading Mazdoors in the harbour in gang, or groups, with a muddam/maistry supervising their work. While speaking about the piece rate scheme on Shore side we then again come across with the term gang mazdoors and Maistries at page 64 paragraph 4.3.24. Thus is under the caption piece rate and Incentive Scheme in Madras port. It is stated that a Gang is composed of one maistry and fourteen mazdoors and the scheme is based upon a fixed standard output known as daum line. In paragraph 4.3.29 there is piece rate Batum Scheme for handling Iron Ore in Mazdoors Port. Then we go to page 119 where under the caption Clearing and Forwarding Agents' Workers in para 6.22 and on page 120 in para 6.23 it is observed that "there was a difference of opinion among the members of the Board whether the above categories were dock workers. The Board has, however, decided (employer members dissenting) that it is desirable that employees of clearing and forwarding agents or custom house agents at all ports, who work in port and dock are in connection with loading and unloading movement or storage of cargo etc, should be covered by its recommendations". In para 6.24 we find reference to categories not covered wherein in clause (2) it is stated that Transport worker's wholly engaged in carrying and handling cargoes to and from docks. However in view of the specific assertion in para 6.23 the Board's mind is evident.

15. Shri Rajamani, Manager of the International Clearing and Shipping Agency when examined has spoken about the system which according to him is prevailing namely the system of handling the cargo. He says that in case of oil caks the contractor Shri Shansugam of Cangadaran Transport used to hadle cargo while in the case of other cargo the Maistries used to approach the Agents and through his Mazdoors he used to handle the cargo. He further says that they used to arrange the issue of passos by the Port Trust either to the contractor or to the Maistry or his Mazdoors depending upon who was handling the cargo. He further syas that they have no concern with the workmen either working under the contractor or working under Maistry. According to him the contract rate is fixed including the rate for the work of loading, transport and unloading on pakage basis. The witness further says that the workers were not attached to one employer but they are attached to more than one employee. In the cross-examination it was brought on record that passes are issued by the Port Trust authorities at the instance of the company and it bears the name of the workman for whom the same was issued. Even in the case of 61 workers to which a reference is made excluding the 41 workmen it is the contention of the witness that these workmen were engaged by the Maistries but at the same time he agrees that the letter is silent on this point. When the attention of the witness was drawn to the scheme he had admitted that on the strength of the letters issued by the Clearing and Forwarding Agents the Maistries and Mazdoors were absorbed in the scheme and this according to him was done by screening Committee. He also admits the length of service was mentioned and was considered at that time but it was not in respect of a particular employer. He then admitted that the cranes in the port would be lent not to any contractor but to the Clearing and the Forwarding Agent only.

16. Then there is the evidence of Shri A. Shanmugam witness No. 2 and Shri Pashupati witness No. 3 cited for the same purpose namely to indicate that the work of loading and unloading done by the Mazdoors is not as the employes of the Clearing and Forwarding Agents but as the employees of the Transport Contractor. There is however one important admission in the evidence of Shri A. Shanmugam that whenever the Mazdoors were asking for increase in wages, the demand was being made not from Shri Shanmugam but from the Clearing and Forwarding Agents. He further says that the work of lyading and unloading cargo is an essential part of the work of Clearing and Forwarding Agents and that the application for passes for the entry into the Port Trust limits was under the signature of the Manager of the International Clearing and Shipping Agency, that the Labour Union was approaching the Clearing nad Forwarding Agents and not the alleged Transport contractor for the purpose of increase is also corroborated by letter dated 18th March, 1971 from the BEST and Company Pvt. Ltd., addressing a letter to Shri P. V. Shanmugasundaram where the company says that it had been agreed with the Labour Unions to increase the previous labour handling charges by 33-1/2 per cent with effect from 1st March, 1971, they are agreeable to the labour contractor charging extra towards labour handling charges on tobacco bales and cases handled. Had there existed no relationship of employer-employee between the mazdoors and the Clearing and Forwarding Agents, but it was between the contractors and Mazdoors as tried to be contended on behalf of the employers, the demand for the increase by the Union on behalf of the Mazdoors would be to the contractors and never to the Clearing and Forwarding agents who all along are pleading no concern with the Mazdoors. It is significant that firstly the increase in handling charges was agreed between the Union and the Clearing and Forwarding Agents and then the alleged contractor was directed to charge extra charges. Had there existed no relationship the contents would have been something different than which has been stated in the letter above referred to.

17. It was the work of Clearing and Forwarding Agent to see that the cargo was handled either at the time of loading or at the time of unloading, it was he who was ultimately responsible for all the goods whether Exported or Imported. It was he who was obtaining the passes from the Port Trust authorities and it was the Clearing and Forwarding Agents ultimately who at the time of formation of the scheme whether de jure or de facto forwarded the applications of the employees, the application form indicates columns

indicating the name of the employer and which applications never would have been forwarded had they containing anything adversely effecting such employer. No second reference is necessary to the fact that the version regarding Transport contractor clearly seems to be an afterthought. It was never such case at the time of pleadings when these employees were expected to put forward their correct version and when they merely referred to Maistries and Mazdoors. It is pertinent to note that ultimately the workers were absorbed in the scheme as the employees. Shri Rajamani in his attempt to negative the version of employees and tried to suggest that they were working for more than one employer which according to him is a test of negating the whole plea of these Mazdoors. However, when a similar question arose in Silver Jubilee Tailoring House and others Vs. Chief Inspector of Shops and Establishment and another, 1973, II, LLJ, page 495 their lordships of the Supreme Court held that the employees' work in other establishment also would not in any way militate against their being employees of the proprietor of the shop where they attend for work. A servant need not be under the exclusive control of one master and it was observed he can be employed under more than one master and for this purpose reliance was placed on Patwardhan Tailors, Poona Vs. Their workman, 1950(I), LLJ, page 722.

18. Similarly Shri Rajamani also tried to contend that the Clearing and Forwarding Agents have no control over the work of Mazdoors and thus according to him is a test which would throw over-board the case of the workmen. However in the same case above referred to it has been held that during the last two decades the emphasis in the field has shifted and no longer rests so strongly upon the question of control. It was however observed that control is obviously an important factor but it is wrong to say that in every case it is decisive. Lastly it was observed that it is now no more than a factor, though an important factor. For this purpose reliance was placed on Agent Vs. Minister of Social Security 1968 (I) B.L.R. 1749.

19. Certainly what has been stated by Shri Rajamani who is the Manager of International Clearing and Shipping Agency will have to be considered but when certain test of any supervision is to be applied, all the factors will have to be taken into account, and absence of supervision might not lead to the conclusion the witness wants me to arrive at. We have already seen that it was the duty of the Clearing and Forwarding Agent to handle the Cargo and ultimately the whole responsibility lies on him. It was he who was instrumental in getting the passes for the workmen and if a particular work of a workman was not to his satisfaction, nothing can prevent him in getting the pass cancelled and thus controlling the work. It may be that because certain persons were carrying on the work for several years, the work of supervision may not be necessary and we do come across several such instances when having faith, things are left to the persons concerned. If what is contended in the pleadings is to be accepted, there used to be somebody of confidence who was getting the work done namely the Maistries who ultimately were absorbed in the Scheme as employees. When there was such a person present, the Clearing and Forwarding Agents would not be allowed to say that they had no direct control on handling the cargo. All these factors therefore especially the approach of the Union for increase in the payment money directly to the Clearing and Forwarding Agent and not to the alleged middle-man and action of the person concerned at the time of formation of the Scheme all go to support the dock workers who claim to be employees of the Clearing and Forwarding Agents. I cannot believe even for a moment that when the present reference was pending, when to the knowledge of the Clearing and Forwarding Agents any adverse information would affect their interest, when to their knowledge particular record was showing the names of employees, they would have allowed any wrong record to be prepared or allowed their name to be shown as employers. It is true that this has happened subsequent to the order of reference and during the pendency of the reference but then it has all the more force because of the result in which the actions were to end. At one stage when the scheme wrongly noted certain names, the International Clearing and Shipping Agents immediately reacted and get those names corrected. Why no such precaution taken when to the knowledge of Agents, names mentioned in the scheme, at least some of them, were

wrongly included. The Clearing and Forwarding Agents are dealing with Export and Import as Agents and therefore they were having sufficient knowledge about their own interest and it is impossible to believe that to their knowledge when certain record was being prepared, they would have set silent that too when the sword of the present reference was hanging over the head. In the case of Shri P. V. Shanmugasundaram, some letters have been brought on record in which he has been described not only as Labour contractor but also as Clearing and Forwarding Agents and Lorry Owners. The witness tried to contend that this was done wrongly but I cannot believe it because the Clearing and Forwarding Agents have to obtain licence under the Customs Act and nobody would describe himself wrongly as Clearing and Forwarding Agent. There are three letters Ex-E-6 to E-8 appearing in the letter head of Shri P. V. Shanmugasundaram written in the year 1971 and 1972 all describing his firm as Clearing and Forwarding Agent besides Labour Contractor etc. I am told that the firm of Shri P. V. Shanmugasundaram is a Transport Contractor but when the firm was also acting as Clearing and Forwarding Agents merely because they had their own Mazdoors would not necessarily mean that they were Maistries or contractors. Furthermore as already indicated even assuming that the firm was acting as a contractor only, still atleast in the case of BEST and Company there is sufficient proof on record that the increase for handling charge was fixed after discussion between the Union and the Clearing and Forwarding Agent, and the contractor was subsequently told about it. Had the contractor done so as all along is being pleaded, the discussion for increase in handling charges would have been with Shri P. V. Shanmugasundaram and not with Best Company. Even at the time when Shri P. V. Shanmugasundaram's firm approached the Presiding of the M. P. C. and F. Labour (Regulation of Employment) Scheme, Haras by their letter Ex. E-6 the Agents contending that they were enclosing the first of Mazdoors including Maistries who are working under them for the last 5 years and that they were in possession of temporary passes obtained through them. In the case of International Clearing and Shipping Agents as contended by Shri Rajamani passes were obtained by the Clearing and Forwarding Agents. Therefore if in the case of Shri P. V. Shanmugasundaram the passes were obtained by them, it does not speak of relationship of contractors and the Clearing and Forwarding Agent and instead of proving the case of the Respondent companies, it would establish the workmen's case because it shows that these were Maistries and Mazdoors for whom passes were issued in the name of a particular Clearing and Forwarding Agent and were working for more than five years and this rules out the version regarding the middlemen intervening either as Maistries or Transport Contractors. Specimen of pass issued by the Madras Port Trust is on record produced by one of the Unions which pass contains the following details namely Mazdoor's name, Employers name and address and photograph as well as date of issue. Had there been no Mazdoors working with any of the Clearing and Forwarding Agents, but all along Mazdoors being employed by the intermediary, the name of Clearing and Forwarding Agent viz. M/s. Pilmen Agents (Private) Ltd., who I am told is a Clearing and Forwarding Agent, would have never appeared. There cannot be any general rule that how many Mazdoors were working under a Clearing and Forwarding Agent and this would be a matter of investigation as to who was in whose service and for how much period etc.

20. These Mazdoors were handling the cargo in the dock for import and export for the Clearing and Forwarding Agents, they were working in the harbour for entry to which passes were issued to them. There must be certain goods in the Godown and Warehouses and either unloading of vehicles and loading them, formed part of business of the Clearing and Forwarding Agent for which he must be responsible to the Exporter or Importer. All these workmen who carry on these duties must be held to be dock workers and must be held to be entitled to the benefit of increase granted from the respective employer.

21. This shall bring us to the second limb of the controversy namely, whether the recommendations for interim relief should have been implemented by the Clearing and Forwarding Agent. In this connection if was in the first place

urged that the Clearing and Forwarding Agents at Madras were completely in the dark regarding the recommendations which were made according to them without giving them opportunity to put forward their version. Secondly it is urged that in the absence of any proof of any paying capacity it would not be proper on the part of the Tribunal to saddle these agents with any monetary burden which is bound to be there on implementation of the recommendations of the Wage Board.

22. In this connection we have to bear in mind that when the Central Wage Board was constituted for Port and Dock Workers by resolution No. WB-21(4)/64 dated the 13th November, 1964 notification in this connection being the Government notification No. WB-21(4)/64 dated 13-11-1964 was published in Gazette of India, Part I, Sec. I dated 28th November, 1964. The Board originally composed of the Government notification No. WB 21(4)/64 dated 13-11-1964 setting the employers and three members representing the workmen. From the very report which is before the Tribunal it is noticed that the Board circulated the questionnaire calling for information relevant for the purpose on the subject matter on hand. Having regard to the fact that the representatives of the employers were on the Board and having regard to the fact that the questionnaire were circulated and I cannot believe that no questionnaire might have reached the Madras Port and further having regard to the fact that the constitution of the Board was published in the Gazette of India of which every citizen should have known of it, I can never believe the Clearing and Forwarding Agent which must be intelligent class dealing with import and export matters which require expertise knowledge, would not have been aware of the constitution of the Board or the questionnaire referred to or the topic dealt by them. It is already seen that when some record went against the International Clearing and Forwarding Agency, they immediately reacted and got the things rectified. It is not therefore a class who are non-oblivious of the rights. The contention therefore that the recommendations regarding the interim relief were some sort of bolt from the blue can never be accepted particularly when dealing with the class of Clearing and Forwarding Agents working at Madras. Apart from the legal inference of a notice of anything published in the Gazette of India, the Clearing and Forwarding Agents could never have allowed the matters to go uncontested through any representative unless they wanted not to have any representation at the relevant time. Atleast I had occasion to see in Shri Rajamani the manager of International Clearing and Shipping Agency, who I noticed extremely intelligent and such a man atleast would never have allowed the matters to be decided without giving him hearing. I am therefore convinced that these Clearing and Forwarding Agents must have noticed the questionnaire and notification but because they agreed with the legitimacy of the workers' demand at that time they did not decide to urge anything. This gets substantiated and sufficiently corroborated from the fact that when by the final report something additional was imposed, the Clearing and Forwarding Agents agreed to implement the same, of course, with some reservation that it was being done without prejudice to the present reference. It is material to note that the present reference was for interim relief and not for final recommendations. The Interim relief was to remain in force till the final recommendations were made, that is from 1-4-1973 the relief regarding interim relief was to disappear. The reservation therefore to suggest that it was subject to what was happening in the present reference, cannot be said to be having that force which normally such clause carries.

23. By the Memorandum of Settlement dated 15-4-1973 under Section 23(3) of the Industrial Disputes Act, 1947, between the Administrative Body for Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme and the Madras Harbour Workers' Unions, the demand for revising the Piece Rate Scheme was agreed to be referred to the arbitration and accordingly by Arbitrator's report dated 27th June, 1973 the rates were raised to higher side. It was decided by the Arbitrator that the following operations ordinarily carried out now by the Clearing and Forwarding workers shall come under the Piece Rate Scheme and these operations are loading, unloading from lorries, trailers, wagons etc. as shown below the piece rate scheme for Clearing and Forwarding workers at Madras Port. Then there was also a reference No. 54 of 1973 decided on 2-4-1974 where the issues were whether the demand of these workmen for pay-

ment of Dearness Allowance, additional Dearness Allowance, House Rent Allowance, City Compensatory Allowance, weekly off days, grant of leave facilities and minimum guaranteed wages. Ultimately the strength of the workers was limited to 600 and it was ordered that the workmen would avail of voluntary benefit scheme.

24. I am making a reference to these findings though subsequent to the reference to indicate that the Clearing and Forwarding Agents unanimously and unwittingly agreed to bear the additional burden. If therefore certain burden by way of interim relief was imposed by the Wage Board it can never be said to be unreasonable that too considering the total burden imposed either by way of additional Dearness Allowance or first and second interim reliefs. Then there was representative of the employers on the Board and the decision regarding the interim relief on both the occasions as records speak was unanimous. I can never believe that the representative of the employers who subsequently expressed their dissent, had they any reason to oppose the grant of interim would have silent. It is not that the Respondents were not given opportunity to show their paying capacity, they were granted time to produce their profit and loss account, income-tax assessment or such other material which would throw light on the issue involved but they were unable to do so. I was told because the matter is pending since long and the matter is of 15 years old the records stood destroyed long back. Here again had the records been favourable to the Clearing and Forwarding Agents when to their knowledge the proceedings had not come to the final stage, I cannot believe that any piece of paper speaking favourably would have been allowed to be destroyed, and on the contrary all care would have taken for preserving the same. However, without drawing any inference one way or the other as such but having regard to the fact that these dock workers as seen from the record were getting something which was far below, if the Wage Board decided to grant interim relief, I do not think such a decision could be said to be wrong or can be allowed to be criticised. Although paying capacity is a factor to be considered, one fact cannot lost sight of namely that the employers were carrying off the business of Clearing and Forwarding Agents and the experience is that such class is resilient in the sense that the additional burden is suitably passed on to others. If therefore having regard to all these circumstances and particularly having regard to the nature of the wages earned by these dock workers as observed in Chapter II of the report of the Central Wage Board for Port and Dock and when other workers were getting higher Dearness Allowance etc. as shown in para 2.2, I hold that the Interim recommendations regarding interim relief should have been implemented by the Clearing and Forwarding Agents and they were not justified in not doing so.

25. While considering the retrospective effect which certainly I will have to take into consideration the observations of my learned predecessor in Award Part I for Bombay Employers, for the reasons stated in paragraph 206 to 211 have shown as to how 1-9-1966 was arrived at. Shri Subramanian on behalf of the employers urges that even if this Tribunal wants to give retrospective effect is should be much later than 1-9-1966. However having regard to the interim relief granted by the Wage Board from certain date and at the same time for the reasons stated by my learned predecessor while passing Award Part I, it would be proper to give retrospective effect from 1-9-1966 to 30-3-1973, from 1-4-1973 the final recommendations are reported to have been implemented by the Clearing and Forwarding Agents and further additional Dearness Allowance having been given by Award is Reference No. 54 of 1973.

26. The Union has examined two witnesses Sarvashri Venkatasan and Ayyanar who claim to be in the service of M/s. International Clearing and Forwarding Agency and possess record, but having regard to the issue referred to I need not go into that question because the issue as it stands is restricted to the determination of the rights as a class of employees in general and not of individual employees that is whether they were employed a particular Clearing and Forwarding Agent or elsewhere which is a matter left for determination at the stage of implementation.

27. Although I have answered the issues suitably the question of implementation is bound to arise which may prove greater head-achs. In this connection as already indicated while preparing the Scheme certain records have been prepared

by common consent of the employers, which was submitted to the Scheme. While implementing, the said records may be availed of for determining the question involved.

28. At this stage I am given to understand that by settlements arrived at between certain employers and their workmen the employees may be getting something more either by way of Interim Relief or final recommendations. If therefore such employers establish the same facts then when occasion for implementation arises, such of the employers who agreed to pay or paid anything more than the interim relief during the period from 1-9-1956 to 30-3-1973 shall be absolved from paying anything further.

29. Further preliminary points were raised in the written statement but they were already decided by the order dated 10-1-1979 and therefore require no further reference. I have dealt with the issues which survived and which were left for my consideration.

30. Since I am answering the first part of the reference the second part of the reference does not survive for my consideration.

Award accordingly.

No order as to costs.

M. A. DESHPANDE, Presiding Officer

List of Employers pertaining to Madras mentioned in Reference Order No. 28(14)/67-LR III dated 24-5-67 subsequently transferred to Central Government Industrial Tribunal No. 2, Bombay under Ministry's order No. L-11025/1/80-D. IV(B) dated 8-5-80.

S.I. No.	Name of the Employer	S.No. in order of Reference dated 24-5-67
1.	The Indi Leather Corpn. P. Ltd.	98
2.	The Bombay Co. Ltd.	144
3.	M/s. Thandava Moorthy & Son.	147
4.	M/s. Thos Cook & Son (Continental & Overseas Ltd.)	154
5.	M/s. A.S. Vasan & Sons	161
6.	M/s. S. Vaidyanatha Iyer & Co.	167
7.	M/s. C. Vedach. la Mudaliar & Sons	180
8.	M/s. Wilson & Co. Ltd.	185
9.	Shri C.N. Swamy	206
10.	M/s. R.N. Krishnamoorthy Mudaliar & Sons	223
11.	Shri D. Thanaraj	232
12.	M/s. T.G. Elumalai & Co.	234
13.	M/s. A. Seetharam Naidu & Sons	237
14.	M/s. Continental Shipping & Clearing Agency	242
15.	M/s. M.B.T.	263
16.	Shri P. Venkataraman	266
17.	The Director Madras Customs Clearing & Shipping Agents Association	274
18.	Shri M. Abubakar & Co.	371
19.	Shri H.M. Ahmed & Co.	372
20.	M/s. C.T. Alwar Naidu & Sons	373
21.	M/s. P. Annamalai Mudaliar & Co.	374
22.	M/s. M. Balakrishna Mudaliar & Sons	375
23.	M/s. A. Beersel & Co. P. Ltd.	376
24.	M/s. Best & Co. Ltd.	377
25.	M/s. Buckingham Canantic Co. Ltd.	378
26.	M/s. Chandru & Kotadia	379
27.	Shri M. Kuppuswamy Mudaliar	380

1	2	3
28.	Shri C. Devi julu Naidu	381
29.	M/s. R. Dhanapal Naidu & Sons	382
30.	M/s. V.K. Doraiswamy & Sons	383
31.	M/s. Gillanders Arbuthnot & Co. Ltd.	384
32.	Shri G. Gopal Chetty	385
33.	M/s. Gordon Woodrooffe & Co. (M) P. Ltd.	386
34.	M/s. G.M. Govis & Sons	387
35.	M/s. D. Govindaswamy Naidu	388
36.	M/s. Hariprasad M. Selet	389
37.	M/s. International Clearing & Shipping Agency	390
38.	Shri A.V. Kanniah Naidu	391
39.	Shri M.G. Kannapan	392
40.	M/s. Krishna & Co.	393
41.	Shri Lakshmidass Dwarkadas	394
42.	M/s. I.S. Machado	395
43.	M/s. Madras Bangalore Transport & Co.	396
44.	Shri P. Madurai	397
45.	M/s. K.B.S. Maniam & Bros.	398
46.	M/s. Murugesu Mudaliar & Sons	399
47.	Shri N. Narayana Babu	400
48.	M/s. D.S. Narayana & Co.	401
49.	M/s. S. Natesa Iyer & Co.	402
50.	M/s. New Era Trading Co.	403
51.	M/s. Parry & Co.	404
52.	M/s. Pilmen Agents (P) Ltd.	405
53.	M/s. S. PonnuSwamy Nadar & Sons	406
54.	Shri A.K. Radhakrishna Chetty	407
55.	Shri S. Raghava Chetty	408
56.	M/s. K. Ramabrahman & Sons (M)	409
57.	Shri T.V. Ramachandra Rao	410
58.	Shri R. Ramachandra Rao	411
59.	Shri S. Rangaiah Naidu	412
60.	Shri S.G. Sambanden	413
61.	Shri A.G. Sampath Naidu	414
62.	Shri R. Sarangapani	415
63.	Shaw Wallace & Co.	416
64.	M/s. Sheriff & Sons	417
65.	M/s. Soundarajan & Co.	418
66.	M/s. South India Export Co. Ltd.	419
67.	Shri A.P. Srinivasan	420
68.	M/s. Spencer & Co. Ltd.	421
69.	Shri A. Srinivasan	422
70.	M/s. M. Srinivasulu Naidu & Co.	423
71.	Shri Ramavilas Service Ltd.	424
72.	M/s. South India Corp (A) P. Ltd.	425
73.	M/s. Subramaniam & Co.	426
74.	M/s. Sugesan & Co. P. Ltd.	427
75.	M/s. T.A. Taylor & Co. (M) P. Ltd.	428

[28]14|67-LR III|D IV A]

S.O. 2898.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Bombay in the industrial dispute between the employers in relation to the management of Messers V. Patel & Company and 427 others and their workmen, which was received by the Central Government on the 21st July, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri M. A. Deshpande, Presiding Officer

Reference No. CGIT-2/15 of 1980

Reference Number in Central Govt. Industrial Tribunal
No. 1, being No. CGIT-13 of 1967.

EMPLOYERS IN RELATION TO

M/s V. Patel & Co. & 427 others

AND

Their Workmen

APPEARANCES :

For the Employers : No appearance

For the Workmen : No appearance

STATE : Maharashtra. INDUSTRY : Ports and Docks.

Bombay, the 28th June, 1982

AWARD PART III

In the instant reference by Award Part I dated 31-5-1969 my learned predecessor Shri A.T. Zambre passed award in relation to employers at Bombay, who have been listed in the order of reference. While passing the said award in paragraph No. 41 there is a reference made to in all 18 employers against whom it is stated that the Transport and Dock Workers' Union, Bombay did not press the demand for various reasons. This application on behalf of the Union seems to have been submitted on 12-12-1967 and therefore since the Union gave up the demand against these employers, it was held that these employers mentioned in paragraph 41 were justified in not implementing the recommendations made by the Central Wage Board for Port and Dock Workers.

2. We then come to paragraphs 108 and 109 which are in reference to employers at serial Nos. 59, 289, 345 and 26 and it was observed that the Union was not interested in pressing the reference against these employers therefore the same conclusion was arrived at namely that these employers were justified in not implementing the recommendations of the Wage Board.

3. In paragraph No. 213 serial numbers of certain employers have been listed and it is stated that despite all efforts being made to serve them with notice, no service could be effected against these employers, might be because they had become defunct or might be because the registered address as mentioned were incorrect, but whatever the reason the effect was the same namely that the Tribunal could not proceed against them and therefore here again no award could be passed against these employers. They are in all 22 in number and listed at Serial Nos. 33, 64, 79, 80, 83, 85, 89, 93, 96, 107, 111, 160, 164, 171, 231, 268, 277, 302, 37, 38, 92, 99, 110, 116, 132, 133, 204, 205, 213, 216, 286, 290, 296, 303, 307, 308, 309, 316, 318, 348, 26, 59, 289 and 345. There cannot be therefore any Award against these employers. Since I have made a reference to serial numbers of the employers mentioned in paragraphs 108, 109, and 213, it would be also proper to mention the serial numbers of those employers against whom the Union did not press their demand and they are at serial Nos. 33, 64, 79, 80, 85, 89, 93, 96, 107, 111, 160, 164, 171, 268, 277, 231, 83 and 302.

4. While proceedings were still pending, by application which is undated but in which reference to the settlement by which compromise the dispute was settled between the employees and the employers 98 in number was which settlement covers the cadres of the employees mentioned in paragraph number 1. Similarly the Tribunal was also given to understand that at the time when the Award Part II was passed on 15-10-1973 as appearing in paragraph 5 of the said award, that besides these 98 employers who had gone in appeal to the Supreme Court but who subsequently entered into settlement with their employees, there were 30 still more employers who came forward and accepted the terms of the settlement and therefore the total number of employers from Bombay

who arrived at the terms of settlement with the employees rose to 128. The list of these employers was annexed to the settlement at appendix B.

5. The reference is not restricted to the employers in Bombay who are carrying on Clearing and Forwarding business but there are 75 Cleaning and Forwarding Agents from Madras who shall have to be excluded when we are dealing with the case against the employers at Bombay. Now if $19 \times 4 \times 22 \times 128$ 75 are subtracted from the total number of employers against whom initially the reference was made namely 435 there remains—187 employers from Bombay carrying on business as Custom House Agents on Clearing and Forwarding Agents regarding whom there is no order yet passed. However by an application dated 9-3-1978 the employees namely the Transport and Dock Workers' Union intimated the Tribunal that they are not pressing their demand for the reasons stated. In para 8 of the Part II Award the Tribunal had observed that the dispute survived against 168 employers. There seems some errors in counting but the fact remains that so far as the body of employers are concerned not included in the various orders till then passed whether on the ground of settlement or whether on non-service of notice or because there were no employees serving with them who were members of the Union, the Union who was contesting the case on behalf of the employees had in clear words stated "It is, therefore, prayed that the said reference being Reference No. CGIT-13/1967 in so far as the remaining 168 employers from Bombay are concerned should be disposed of as not pressed and no dispute Award may be made."

6. So far as employers listed in paragraph 213 are concerned, it seems that they included 22 employers who are referred to in paragraphs 41, 108 and 109 and therefore their number has swelled. It is however evident that the Union no longer is interested in the prosecution of the matter against the remaining 168 employers and as such submitted application to the Tribunal which shall have to be acted upon and Award Part III shall have to be passed against order passed, by in disposing of the reference as no order passed by in disposing of the reference as not pressed and no dispute survive.

Award accordingly.

No order as to costs.

M. A. DESHPANDE,
Presiding Officer

[28/14/67-LR III/DIV A]

T. B. SITARAMAN, Desk Officer.

CORIGENDUM

New Delhi, the 2nd August, 1982

S.O. 2899.—In the notification of the Government of India in the Ministry of Labour No. S.O. 881 dated the 8th February, 1982 published at page 945 of the Gazette of India, Part II, section 3, Sub-section (ii) dated the 27th February, 1982 for the word "employment" read "employer".

[No. S-35019(197)/81-PF. II]

मुद्रित-पत्र

नई दिल्ली, 2 अगस्त, 1982

का०आ० 2900--भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) में पृष्ठ 946 पर प्रकाशित भारत सरकार के श्रम मंत्रालय की प्रधिसूचना मं०का०आ० 885 में "भेलहल्ड पुड़र" शब्द के स्थान पर "भेला हल्हण पुड़र" पाए।

[सं० एम-35019/234/81-एफ 2]
ए०के० अट्टाराई, प्रबर सचिव

CORIGENDUM

New Delhi, the 2nd August, 1982

S.O. 2900.—In the notification of the Government of India in the Ministry of Labour No. S.O. 885 dated the 8th February, 1982 published at page 946 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 27th

February, 1982 for the word "Melakrishnanpudur" read "Melakrishnanpudur".

[No. S. 35019(234)/81-PF, II]
A. K. BHATTARAI, Under Secy.

आवेदन

नई दिल्ली, 15 जून, 1982

क्रांति 2901—केन्द्रीय सरकार की राय है कि इसमें उपायक अनुसूची में विनियोग विधय के बारे में स्टेट बैंक आफ इडिया के प्रबंधनबद्द से संबंधित एक भौतिक विवाद नियोजित हो और उनके कर्मकारों के वीच विद्यमान है;

भौतिक केन्द्रीय सरकार उक्त विवाद को व्यायामित्यन के लिए निर्देशित करना चाहती है।

अतः, केन्द्रीय सरकार, भौतिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 7 के भौतिक धारा 10 के उपधारा (1) के छठे (घ) द्वारा प्रवत्त भवित्वों का प्रयोग करते हुए, एक भौतिक विवाद अधिकारण गठित करने हैं जिसके प्रियार्थीन अधिकारी श्री टी० सुदर्शनम ऐनियल होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकारण को व्यायामित्यन के लिए निर्देशित करनी है।

मनुष्य

(क) “क्या भारतीय स्टेट बैंक के प्रबंधनबद्द को, अम्बा. 30 जून, और 31 दिसंबर, को वार्षिक रूप से बोनस के रूप में ली गई एक मास की मूल मजदूरी का भुगतान 1975 के उत्तरार्द्ध से रोकने की आवश्यकता न्यायिक है?”

यदि नहीं, तो संबंधित कर्मकार किस अनुशोध के हकदार हैं?

(ख) “क्या भारतीय स्टेट बैंक के अवाई स्टोफ के संशय अम्बा. 30 जून, और 31 दिसंबर, को ली गई रो मास की मजदूरी के बराबर वार्षिक बोनस प्रबंधन बोनस के रूप में पाने के हकदार हैं वे यह भले कुछ भी हो। यदि हाँ तो संबंधित कर्मकार किस अनुशोध के हकदार हैं?”

[म० एन्स०-12011/14/81-स०-II(ग)]

एम्स० एन्स० मेहरा
इंक एप्रिल

ORDER

New Delhi, the 15th June, 1982

S.O. 2901.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section(1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarsanam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

(a) “Whether the action of the management of the State Bank of India in stopping the payment of one month's basic wages as drawn on 30th June, and 31st December respectively by way of bonus annually with effect from second half of 1975 is justified? If not, to what relief are the workmen concerned entitled?”.

(b) “Are the members of the Award Staff of State Bank of India entitled to receive annual bonus of two months basic wages (as drawn on 30th June

and 31st December respectively) irrespective of the salary as a customary bonus? If so, to what relief are the workmen concerned entitled?”.

[No. L-12012/14/81-D.II(A)]

New Delhi, the 11 August, 1982

S.O. 2902.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the Industrial dispute between the employers in relation to the management of Parasca OCP of Eastern Coalfields Limited, and their workmen, which was received by the Central Government on the 26-7-82.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 53 of 1980

PARTIES:

Employers in relation to the management of Parasca OCP of Eastern Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Mr. Justice M. P. Singh—Presiding Officer.

APPEARANCES :

On behalf of Employers—Mr. N. Das, Advocate.

On behalf of Workmen—Mr. D. L. Sen Gupta, Advocate, with Mr. S. Bhattacharya, Advocate.

STATE : West Bengal

INDUSTRY : Coal Mine

AWARD

The Government of India, Ministry of Labour, by their Order No. L-19012(10)/80-D.IV(B) dated 7th July, 1980 sent an industrial dispute existing between the employers in relation to the management of Parasca O.C.P. of Eastern Coalfields Ltd. P.O. Bahula (Burdwan) and their workmen, to this Tribunal for adjudication. The dispute referred in the Schedule to the order of reference reads as :

“Whether the action of the management of Parasca O.C.P. of Eastern Coalfields Limited, P.O. Bahula, District Burdwan in dismissing S/Shri Majeed Ahmed, Shovel Operator and M. N. Khan, Dumper Operator, from service with effect from 26th April, 1978 was justified? If not, to what relief are the concerned workmen entitled?”

2. The short facts are : Majeed Ahmed and M. N. Khan were the two employees of the Eastern Coalfields Limited. They were dismissed from service on 26th April, 1978 with immediate effect by the Project Officer, Parasca OCP. In that order it is noted that the dismissal had the approval of the General Manager. According to the management the reason for dismissal was assault on Mr. A. P. Joshi, Junior Executive Trainee on 1st January, 1978 at about 7 P.M. in front of the workshop in Parasca OCP. The assault amounted to misconduct under clause 17(1)(i). The show cause notice was issued on 2nd January, 1978 by the Project Officer Mr. De asking for explanation within 48 hours. The employees concerned submitted explanation but they were not satisfactory. The management has treated this show cause notice as charge-sheet. Thereafter a domestic enquiry was held in between 19th January and 11th February, 1978 by Mr. N. R. Chatterjee, an Officer of the management. The two concerned employees who are involved in this reference were found guilty by him. He submitted his findings to the Project Officer. It appears from the record that the Project Officer on 11 April, 1978 recommended for dismissal by sending a confidential letter to Sri S. P. Srivastava, Deputy Personnel Manager who also recommended for dismissal and sent his suggestion along with connected file to the General Manager. The General Manager by his order dated 20th April, 1978 gave approval to the dismissal and thereafter the Project Officer dismissed the two workmen by order dated 26th April, 1978 as above said.

3. Several contentions have been raised by Sri D. L. Sen Gupta, Advocate appearing for the workmen concerned. His

first contention is that Mr. D. De the Project Officer was not competent to issue the chargesheet because he was not the appointing authority. It is submitted that disciplinary proceeding can be initiated only by or at the instance of an appointing authority and not by anyone else. It is submitted that Mr. De was not authorised to issue chargesheet in any clause of the Model Standing Orders. I am not inclined to accept this contention. Ext. M-9 is a document dated 17th June, 1974 written by the Technical Advisor of the N.I.M. Director to all Colliery Managers and others containing delegation of powers to them differently. The document is in nine pages. In this document the Project Officer also can take disciplinary action except dismissal against the Wage Board employees under his administrative control. It is thus clear that he is also competent to impose minor punishment on the employees who are under his control. The expression "disciplinary authority", I think means any authority which is competent to inflict any of the penalties whether it is major or minor. A chargesheet, I think, can be issued by any disciplinary authority and it is not necessary that the dismissing authority himself should issue the chargesheet or order it to be issued. No rule or authority has been shown to me to show that the Project Officer would be incompetent to issue the chargesheet. I, therefore, hold that the Project Officer, Mr. De had authority to issue the chargesheet. The contention of Mr. Sen Gupta is rejected.

4. The next contention of Sri D. L. Sen Gupta, Advocate appearing for the workmen is that the Enquiry Officer was not competent to enquire into the charge against the two concerned workmen because he had been appointed, not by the General Manager but by Mr. S. P. Singh, Assistant Chief Personnel Officer. It is true that the Assistant Chief Personnel Officer wrote to Mr. N. R. Chatterjee that he was hereby appointed as Enquiry Officer but at the same time he mentioned in his letter "as per instructions of the General Manager". It appears that the Project Officer Mr. De wrote a letter dated 8/11 January 1978 (Ext. M-3a) to the General Manager suggesting that an enquiry be held. On that letter the General Manager made the following endorsement on 14th January, 1978 vide Ext. M-3B; "Sri N. R. Chatterjee, Sr. P.O. may be appointed as Enquiry Officer." Mr. Sen Gupta argued that the expression "may be appointed" cannot mean that the General Manager himself appointed the Enquiry Officer. I do not agree with this argument. I am of opinion that it was the General Manager who appointed Mr. N. R. Chatterjee as Enquiry Officer. Any way, it is to be noticed that getting the matter enquired into by some officer does not mean the same thing as getting the delinquent dismissed. It is always open to the domestic authority to get the matter enquired into by some other officer :

"As pointed out in Barnard v. National Dock Labour Board 1953-2 QB 18 at p. 40, it is true that "no judicial tribunal can delegate its functions unless it is enable to do so expressly or by necessary implication". But the exercise of the power to appoint or dismiss an officer is the exercise of not of a judicial power but of an administrative power. It is none-the-less so, by reason of the fact that an opportunity to show cause and an enquiry stimulating judicial standards have to precede the exercise thereof.

It is well-recognised that a statutory functionary exercising such a power cannot be said to have delegated his functions merely by deputing a responsible and competent official to enquire and report. That is the ordinary mode of exercise of any administrative power. What cannot be delegated except where the law specifically so provide is the ultimate responsibility for the exercise of such power.

As pointed out by the House of Lords in Board of Education v. Rice, 1911 AC 179 at p. 182, a functionary who has to decide an administrative matter, of the nature involved in this case, can obtain the material on which he is to act in such manner as may be feasible and convenient, provided only the affected party "has a fair opportunity to correct or contradict any relevant and prejudicial material. The following passage from the speech of Lord Chancellor in Local Government Board v. Arlidge, 1915 AC 120 at p. 133 is apposite and instructive.

My Lords, I concur in this view of the position of an administrative body to which the decision of a question in dispute between parties has been entrusted. The result of its inquiry must, as I have

said, be taken, in the absence of directions in the statute to the contrary, to be intended to be reached by its ordinary procedure. In the case of the Local Government Board it is not doubtful what this procedure is. The Minister at the head of the Board is directly responsible to Parliament like other Ministers. He is responsible not only for what he himself does but for all that is done in his department.

The volume of work entrusted to him is very great and he cannot do the great bulk of it himself. He is expected to obtain his materials vicariously through his officials, and he has discharged his duty if he sees that they obtain materials for him properly. To try to extend his duty beyond this and to insist that he and other members of the Board should do everything personally would be to impair his efficiency. Unlike a Judge in a Court he is not only at liberty but is compelled to rely on the assistance of his staff."

In view of the above clear statement of law the objection to the validity of the enquiry must be held to be without substance. It is rejected. I hold that both the chargesheet as well as the whole enquiry proceeding are valid.

5. His third submission is that the two concerned workmen and others who were said to have assaulted the Junior Executive trainee were acquitted on 3rd March, 1982 by a Judicial Magistrate, Durgapur in a Criminal case lodged by the victim of the assault and hence the concerned employees should be held to be innocent and for that reason the dismissal should be set aside. I do not agree with this contention. It is well settled that acquittal by a Criminal court cannot be made a ground for quashing the action taken by the Employer in the disciplinary proceedings, vide 1970 I LLJ, p. 718 Spadi-gam v. State of Kerala. In the instant case the dismissal order was passed in the year 1978. The acquittal was recorded by the Magistrate in the year 1980. I think that the acquittal cannot be made a ground for setting aside the dismissal.

6. His fourth submission is that the witnesses for the management have made several contradictions in their statement before the Enquiry Officer and they should be held to be unreliable. Learned Counsel drew my attention to paragraph 10 of the written statement of the workmen in which the various contradictions have been pointed out. In the view which I am going to take about this case on the point of dismissal, it is not necessary to express any opinion on this aspect of the contention.

7. I will now come to the order of dismissal of the two concerned employees. The dismissal order passed by the Project Officer runs as below :

"To
Sri Majeed Khan, Shovel Operator,
Parasca OCP.
Dear Sir,

Further to the Charge Sheet No. PCCP/C.S/78/05 dated 2-1-78 issued to you and reply thereto, a departmental enquiry into the charges was held in your presence in which you were offered full opportunity to defend yourself and to cross examine the Management witnesses.

In the Departmental Enquiry, the misconducts mentioned in the chargesheet against you have been fully proved. As the charges are very grave and serious, the punishment warranted is that of dismissal.

Therefore, you are dismissed from company's service with immediate effect. Please collect your dues and hand over the vacant possession of the company's quarter occupied by you and store material issued to you if any.

Please note that your dismissal has the approval of General Manager.

Yours faithfully,
Sd/-
Project Officer
Parasca OCP."

A similar order was issued to M. N. Khan, another concerned workman of this case. On a perusal of the above it is quite clear that the actual order of dismissal was passed by the Project Officer who said "you are dismissed from company's service with immediate effect". The last line is "Please note that your dismissal has the approval of General Manager". This approval is in the following terms :

"D.P.M.

Perused the C/s. enquiry proceedings and findings of E.O.

P.Q.—also has recommended dismissal vide letter No. referred above. It is approved.

Sd/-

20/4/78'

It appears that Sri S. P. Srivastava the Deputy Personnel Manager put up a notice on 19th April, 1978 before the General Manager that the Project Officer, Parasea OCP by his letter dated 11th April 1978 had recommended dismissal of Majeed Ahmed and M. N. Khan and that they also held the same opinion. He therefore recommended that the two employees Majeed Ahmed (Shovel Operator) and M. N. Khan (Dumper Operator) may be dismissed from service. He submitted the papers to the General Manager for according approval. It was on that note that approval in the aforesaid words was accorded. The letter of the Project Officer dated 11 April 1978 is not on record. My opinion is that the power of dismissal cannot be exercised in the manner in which it was exercised by the General Manager. Dismissal is a serious matter. It affects the life and liberty of the concerned person. In my opinion the authority who is competent to dismiss must pass the order of dismissal himself and he cannot leave it to others for passing an order of dismissal. Admittedly in the present case it was the General Manager who was competent to pass the order of dismissal. The Project Officer was not competent to dismiss. The endorsement made by the General Manager in the present case, Ext. M-8, is not a proper exercise of the mind. It is cryptic order asking a subordinate authority to pass the order of dismissal. In Hindustan Brown Boveri, Ltd. v Their Workmen, (1968) I LLJ 371 the Works Manager had passed the order of dismissal. It was held that the company and not the Works Manager had power to dismiss. So the dismissal was set aside although the chargesheet and the domestic enquiry had been found valid. My considered view is that the General Manager himself should have considered the materials brought in the enquiry proceeding and then should have passed any order which he thought fit. This he did not do. The dismissal order, therefore, cannot be sustained in law and has to be quashed.

8. In the circumstances aforesaid the dismissal order dated 26 April, 1978 passed by Mr. De the Project Officer is set aside and the two concerned workmen, Majeed Ahmed and M. N. Khan must be deemed to be in service. They shall be entitled to back wages only. The General Manager, however, would be at liberty to proceed against the two concerned workmen from the stage of the submission of the concerned papers to him and he would pass any order against the concerned employees which he may think fit. He shall consider the evidence adduced in the enquiry as also the enquiry report and then pass the order himself. I have already found the chargesheet and the domestic enquiry valid and proper. The General Manager will now proceed to pass a speaking order on a consideration of the same in accordance with law. No fresh enquiry shall be held and no party shall be allowed to adduce any fresh evidence

The reference is answered accordingly.

Dated, Calcutta, The 16th July 1982.

M. P. SINGH, Presiding Officer

[No. L-19012 (10)/80-D. IV (B)]

S. S. MEHTA, Desk Officer

आवेदन

नई दिल्ली, 2 अगस्त, 1982

कांगड़ा 2903—केन्द्रीय सरकार की राय है कि इससे उपाध्यक्ष प्रमुखी में विनियोग विषय के बारे में कुद्रमुख प्रायरत और कंपनी लिमिटेड बंगलोर के प्रबन्धनात्मक से सम्बद्ध एक औद्योगिक विवाद नियोजित है। और उनके कर्मकारों के बीच विद्यमान है।

प्रीत बैन्डरीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वैशिल करना चाहती है,

अत , केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का, 14) की धारा 7क और धारा 10 की उप-धारा (1) के खण्ड (प) धारा प्रदल शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकारण गठित करती है जिसके पाठानीत प्रधाकारी श्री वी.एच. उपाध्याय होगे, जिनका मुख्यालय बंगलोर में होगा और उक्त विवाद को उक्त प्रधिकारण को न्यायनिर्णयन के लिए निर्वैशिल करती है।

अनुसूची

"क्या कुद्रमुख प्रायरत कम्पनी लिमिटेड, बंगलोर की श्री जी.एफ. असीरवाथम, जूनियर मेकेनिक, पौर्ट कैमिलिटी डिविजन को 14-3-1981 से पद मुक्त करने की कारबाई न्यायालिक है? यदि नहीं, तो संबंधित कामगार कम्पनी अनुतोष का हक्कावार है?"

[मा. एल. 26012/9/81-डी-3(मी)]
कंवर राजिन्द्रसिंह, अवर मनिक

ORDER

New Delhi, the 2nd August, 1982

S.O. 2903.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kudremukh Iron Ore Company Limited, Bangalore and their workman in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhyaya shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Kudremukh Iron Ore Company Limited, Bangalore in dismissing the services of Shri G. F. Asseervatham, Junior Mechanic Port Facilities Division with effect from 14th March 1981 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-26012/9/81-D-III(B)]
KANWAR RAJINDER SINGH, Under Secy.

आवेदन

नई दिल्ली, 28 जून, 1982

कांगड़ा 2904—केन्द्रीय सरकार की राय है कि इससे उपाध्यक्ष प्रमुखी में विनियोग विषय के बारे में नगरजना ग्रामीण बैंक, खामोश, प्रांतीय प्रदेश के प्रबन्धनात्मक से सम्बद्ध एक औद्योगिक विवाद नियोजित है।

प्रीत बैन्डरीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वैशिल करना चाहती है,

मतः, केन्द्रीय सरकार, भौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के बांध (प) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक भौद्योगिक प्रधिकरण गठित करती है जिसके पीठामीन प्रधिकारी श्री एस०वी०रामन रेडी हैं, जिसका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त प्रधिकरण की व्यायनिर्णयन के लिए निर्वैशित करती है।

अनुसूची

क्या नगरजूना ग्रामीण बैंक खामोश (मान्द्र प्रदेश) के अधिकों की 8.33 प्रतिशत से प्रधिक दर पर बोनस के संदाय के लिए मांग व्यायोक्तित है? यदि नहीं तो लेखा वर्ष 1979 के लिए किस दर पर बोनस का मंदाय किया जाता चाहिए?

[मंद्या-12011/8/81-डी०II(प०)]
एन०फ०वर्मा, एस० प्रधिकारी

ORDER

New Delhi, the 28th June, 1982

S.O. 2904.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Nagarjuna Grammeena Bank, Khammam, Andhra Pradesh and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri S. V. Ramana Reddy shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of the workmen of Nagarjuna Grammeena Bank, Khammam (A.P.) for payment of Bonus at a rate higher than 8.33 per cent is justified? If no, at what rate should the bonus be paid for Accounting year 1979.

[No. L-12011/8/81-D.II(A)]

New Delhi, the 2nd August, 1982

S.O. 2905.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Bank of Baroda, Bombay and their workmen, which was received by the Central Government on the 20-7-82.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

PRESENT :

Shri M. A. Deshpande, Presiding Officer

Reference No. CGIT-2/28 of 1982

PARTIES :

Employer in relation to the management of Bank of Baroda,

AND

Their workmen

APPEARANCES :

For the Employers—Shri P. B. Pitale, Labour Adviser.

For the workmen—Shri K. I. Talreda, Joint Secretary.

STATE : Maharashtra .

INDUSTRY : Banking

Bombay, dated the 3rd July, 1982

AWARD

By their order No. L-12011/47/81-D. II(A) dated 10-5-1982 the Central Government referred the following dispute for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947 :—

“Whether the demand of the workmen of Bank of Baroda, Bombay as represented by Bank of Baroda Employees Union, for regularisation of 74 temporary employees (list as per enclosed) of the Bank is justified? If so, from which date and with what benefits?”

2. The dispute related to 74 employees and regularisation of their service. However I am given to understand by Shri K. I. Talreda Joint Secretary of the Union, who espoused the cause of the workmen that the matter has been settled and that no dispute now survives. In view of the statement on behalf of the Union who is agitating the matter no dispute survives and therefore the reference is disposed of as not pressed.

M.A. DESHPANDE, Presiding Officer
[No. L-12011 (47)/81-D. II (A)]
N. K. VERMA, Desk Officer

New Delhi, the 21st July, 1982

S.O. 2906.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Angarpatra Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 19th July, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

PRESENT :

Shri J. P. Singh, Presiding Officer.

Reference No. 28 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Angarpatra Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad,

AND

Their workmen

APPEARANCES :

On behalf of the employers—Shri R. K. Choudhry, Personnel Manager.

On behalf of the workmen—Shri N. K. Biswakarma, Joint Secretary, Coal Mines Engineering Workers' Association, Dhanbad.

STATE : Bihar,

INDUSTRY : Coal.
Dhanbad, 9th July, 1982

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. L-20012/373/81-D.III(A) dated the 19th March, 1982 has referred this dispute to this Tribunal for adjudication on the following terms:

SCHEDULE

“Whether the demand of the workmen of Angarpatra Colliery of Messrs Bharat Coking Coal Limited,

Post Office Katrasgarh, district Dhanbad that Shri Md. Jabbar Ansari, Assistant foreman in technical Grade 'C' be regularised as Electrical Supervisor in Technical Grade 'A' from the 1st June, 1978 is justified? If so, to what relief is the workman concerned entitled?"

2. After the receipt of the reference notices were issued upon the parties to file their written statements. Today when the case was fixed for documents of parties, the parties appeared and filed a memorandum of settlement. As per the settlement the concerned workman Md. Jabbar Ansari will be regularised as Electrical Supervisor in Technical Grade 'A' w.e.f. 17th September, 1979 with arrears of wages from that date. Since the settlement is beneficial to both the parties, I accept the same and pass award accordingly. The settlement will form part of the award.

J. P. SINGH, Presiding Officer
[No. L-20012(373)/81-D.II(A)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Reference No. 28/82

Employers in relation to the management of Angarpathera colliery of Messrs. Bharat Coking Coal Ltd.,

AND

Their Workmen

The humble joint petition of compromise on behalf of the management and the workman most respectfully she-weth:—

That, the parties have amicably settled the case outside the court on the following terms and conditions:—

- That, the workman concerned Sri Md. Jabbar Ansari shall be regularised as Electrical Supervisor in Technical grade 'A' with effect from 17th September, 1979.
- That, since Sri Md. Jabbar Ansari has been working as Electrical supervisor in Technical grade 'A', he is entitled for difference of wages with effect from 17th September, 1979 if any, payable to Technical grade 'A' at the initial scale.
- That, since he has been paid the difference of wages with effect from 1st February, 1980, necessary adjustment shall be made.
- That, he shall be allowed annual increment with effect from 1st March, 1980.
- That, his seniority in the technical grade 'A' shall be counted with effect from 17th September, 1979.
- This settles the dispute between parties and Sri Md. Jabbar Ansari shall have no other claim whatsoever.
- The Tribunal is requested to pass an award in terms of the compromise.

It is, therefore, prayed that the Hon'ble Tribunal be pleased to accept the terms of the compromise and pass an award in terms thereof; and for this act of kindness the parties shall ever pray.

FOR THE EMPLOYERS :

Sd/-

1. (RK CHOUDHARY)
Personnel Manager.

Sd/-

2. (SK SINGH)

Sr. Personnel Officer
Witness :

1. Sd/-

2. Sd/-

2.
Kratas Area.
Dated 9th July, 1982.
FOR WORKMAN :

Sd/-

1. (NK BISWAKARMA)
Joint Secretary,
Coal Mines Engineering
Workers' Association.

Sd/-

1. (MD. JABBAR ANSARI)
Workman.

Sd/-

2. (BB PANDEY)
Advocate.

आवेदन

नई दिल्ली, 29 जुलाई, 1982.

का०आ० 2907.4—केन्द्रीय सेन्ट्रल कोल फ़िल्हास लिमिटेड, डाकघर बारकाकाना, एन०टी०एस०, जिला हजारीबाग के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व राष्ट्रीय कोलियरी मजदूर संघ, डाकघर रामगढ़ फैट, जिला हजारीबाग करती है, एक आधिकारिक विवाद विचारणा की गयी है;

और उक्त नियोजकों और कर्मकारों ने आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को माध्यस्थम् के लिए निर्विवित करने का कागर कर लिया है और उक्त माध्यस्थम् करार की एक प्रति केन्द्रीय सरकार को भेजी गई है।

प्रतः, अब, उक्त अधिनियम की धारा 10-की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 17 जुलाई, 1982 को मिला था, एतद्वारा प्रकाशित करती है।

(करार)

(आधिकारिक विवाद अधिनियम, 1947 की धारा 10-के अधीन) पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले :

- महाप्रबन्धक,
सेन्ट्रल कोलफ़िल्हास लिमिटेड,
डाकघर बारकाकाना, एन०टी०एस०,
जिला हजारीबाग।
- उप मुख्य कार्मिक प्रबन्धक,
सेन्ट्रल कोलफ़िल्हास लिमिटेड,
डाकघर बारकाकाना, एन०टी०एस०,
जिला हजारीबाग।

कर्मकारों का प्रतिनिधित्व करने वाले :

- श्री दामोदर पांडे,
संयुक्त महा मंडी,
राष्ट्रीय कोलियरी मजदूर संघ,
डाकघर रामगढ़ छावडी,
जिला हजारीबाग।

2 सेक्टरी,
गढ़ीय कोलियरी मजदूर सघ,
लापगा बाच,
डाकघर छोरधारा,
जिला हजारीबाग।

पक्षकारों के बावजूद निम्नलिखित श्रीधोगिक विवाद को उप-मुख्य अभ्यासक (केन्द्रीय) श्री जे०एन० मिम्लोट के माध्यस्थम् के लिए निर्देशित करने का कारण किया गया है।

1. विनिविट विवाद ग्रन्त विषय

“क्या यूनियन का यह आरोप सही है कि लापगा कोलियरी के हाइवर, श्री देव करण मिह को जारी आज़शीट की जांच के दीर्घन निर्णयक न्याय का लिया नहीं अपनाया गया है और कि जांच की प्रक्रिया निष्प्रभाव हो गई है। उपर्युक्त को देखने द्वारा क्या श्री देव करण सिंह की अवधास्ती न्यायोचित है। यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है।”

2. विवाद के पक्षकारों का विवरण, जिसमें प्रस्तवित भ्याग या उपक्रम का नाम न्या पता भी भवित्वित है।

नियोजकों का प्रतिनिधित्व करने वाले:

महाप्रबन्धक,
सेन्ट्रल कोलियरील्ड्स लिमिटेड,
डाकघर बारकाकाना, एन०टी०एम०,
जिला हजारीबाग।

उप-मुख्य कार्मिक प्रबन्धक,
सेन्ट्रल कोलियरील्ड्स लिमिटेड,
डाकघर बारकाकाना, एन०,टी०एम०,
जिला हजारीबाग।

कर्मिकों का प्रतिनिधित्व करने वाले
श्री दामोदर पांडे,
संयुक्त महा मंडी
राष्ट्रीय कोलियरी मजदूर सघ,
डाकघर रामगढ़ छावनी,
जिला हजारीबाग।

मेनेटरी,
राष्ट्रीय कोलियरी मजदूर सघ,
लापगा बाच,
डाकघर छोरधारा
जिला हजारीबाग।

3. कर्मकार का नाम, यदि यह विवाद में स्वयं शामिल है या यूनियन का नाम, यदि कोई हो, जो प्रश्नगत कर्मकार का प्रतिनिधित्व करती हो।

राष्ट्रीय कोलियरी मजदूर सघ

4. प्रभावित उप-क्रम में नियोजित कर्मकारों की कुल संख्या 1160

5. विवाद द्वारा प्रभावित या मध्यस्थ प्रभावित होने वाले कर्मकारों की प्राक्कलिन संख्या 142

इस आगे महमत है कि मध्यस्थ का निर्णय हम पर आवश्यक होगा।

मध्यस्थ अपना पचाट सम्बित सरकार द्वारा गजपत्र में करार के प्रकाशन की तारीख से नव्वे दिनों की कालावधि या इन्हें और समय के भीतर जो दूसरे बीच पारम्परिक लिखित करार द्वारा बढ़ाया जाए, देंगा। यदि पूर्ण वर्णन कालावधि के भीतर पचाट नहीं दिया जाता तो मध्यस्थ के लिए निर्णय स्वतं रह दी जाएगा और हमें नाम माध्यस्थ के लिए बातचीत करने को स्वतंत्र होगे।

माक्षय.

- (1) हस्तांत्र-10-6-82
(2) हस्तांत्र-10-6-82

पक्षकारों के हस्तांत्र

- नियोजकों का प्रतिनिधित्व करने वाले
(1) हस्तांत्र-
(2) हस्तांत्र-
(3) हस्तांत्र-
कर्मकारों का प्रतिनिधित्व करने वाले
(1) हस्तांत्र-
(2) हस्तांत्र-
(3) हस्तांत्र-

में इस मामले में मध्यस्थ बनने के लिए अपनी महमति देता है, जैसा कि अनुरोध किया गया है।

हस्तांत्र-जे०एन० मिम्लोट,

उप-मुख्य अभ्यासक (केन्द्रीय)

[संख्या एन०-20013/4/82-डी-III (ग)]

ए०बी०एम० शर्मा, ईस्क अधिकारी

ORDER

New Delhi, the 29th, July, 1982

S.O. 2907:—Whereas an industrial dispute exists between the employers in relation to the management of Central Coalfields limited, Post Office Barkakana, N.T.S. District Hazaribagh and their workmen represented by Rashtriya Colliery Mazdoor Sangh Post office Ramgarh Cantt, District Hazaribagh,

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act the Central Government hereby publishes the said agreement which was received by it on the 17th July, 1982.

AGREEMENT

(Under Section 10A of the Industrial Dispute Act, 1947)

BETWEEN

Name of the parties.

Representing Employers: General Manager,
Central Coalfields Limited
PO: Barkakana N.T.S.
Distt. Hazaribagh
Dy. Chief Personnel Manager,
Central Coalfields Limited
PO: Barkakana NTS
Distt. Hazaribagh

Representing workmen: Shri Damodar Pandey,
Jt. General Secretary,
Rashtriya Colliery
Mazdoor Sangh, P.D. Ram-
garh Cantt.
Distt. Hazaribagh.
Secretary,
Rashtriya Colliery Mazdoor
Sangh,
Lapanga Branch,
P.O. Chordhara,
Distt Hazaribagh.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Dy. Chief Labour Commissioner (Central), Shri J. N. Simlote.

(1) Specific Matters in dispute :

"Whether the allegation of the union that the natural course of justice has not been followed during the enquiry of the chargesheet issued to Shri Deokaran Singh, Driver of Lapanga Colliery and that the process of enquiry has been vitiated, is correct ? In view of the above, whether the dismissal of Shri Deokaran Singh is justified ? If not, to what relief the workman is entitled to ?"

(2) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Representing Employers: General Manager,
Central Coalfields Limited.
P.O. Barkakana NTS
Distt. Hazaribagh
Dy. Chief Personnel Manager,
Central Coalfields Limited,
P.O. Barkakana NTS.
Distt. Hazaribagh.

Representing workmen: Shri Damodar Pandey,
Jt. General Secretary,
Rashtriya Colliery Mazdoor Sangh,
P.O. Ramgarh Cantt.
Distt. Hazaribagh.
Secretary,
Rashtriya Colliery Mazdoor Sangh,
Lapanga Branch
P.O. Chordhara,
Hazaribagh.

(3) Name of the workmen in case he himself is involved in the dispute or the name of the union, if any representing the workman in question:

Rashtriya Colliery Mazdoor Sangh

(4) Total number of workmen employed in the undertaking affected: 1160.

(5) Estimated number of workmen affected or likely to be affected in the dispute : one

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of ninety days of publication of the agreement in the official Gazette by the appropriate Government or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period afore-mentioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties.

Witnesses:

- (1) Sd/-J0-6-82
(2) Sd/- 10-6-82

Representing Employer

- (1) Sd/-
(2) Sd/-
(3) Sd/-

Representing Workmen.

- (1) Sd/-
(2) Sd/-
(3) Sd/-

I give my consent to be arbitrator in the matter as requested.

J. N. SIMLOTE
Dy. Chief Labour Commissioner(Cent.)
[No. L-20013(14)/82-B.III.(A)]
A. V. S. SARMA, Desk Officer

गृह मंत्रालय

कुदाल जांच आयोग-गांधी शान्ति प्रतिष्ठान एवं
अन्य संगठनों के बारे में

आदेश

नई दिल्ली, 26 जुलाई, 1982

क्र. ०३० २९०८—जाच आयोग प्रधिनियम, १९५२ (१९५२ का ६०) के शारा ४, और जांच आयोग (केन्द्रीय) नियम, १९७२ के नियम ५ के उप नियम ८ (इसके बाव इन्हें अमरणः अधिनियम तथा नियम कहा जाएगा) के प्रधीन, तथा इस आयोग को समर्थ बनाने वाली सभी अन्य गतियों का प्रयोग करते हुए, कुदाल जांच आयोग-गांधी शान्ति प्रतिष्ठान एवं संगठनों के बारे में—(जिसे आद में आयोग कहा गया है), जिसे प्रधिनियम की धारा ३ के प्रधीन भारत सरकार, गृह मंत्रालय की प्रधिसूचना सं० का ज्ञा० ४३(ब्र) दिनांक १७ फरवरी, १९८२ के प्रधीन गठित किया गया है, अपनी प्रक्रिया को नियमित करने के लिए एतद्वारा निम्नलिखित आदेश बनाता है :—

१. शीर्ष.—यह आदेश कुदाल जांच आयोग-गांधी शान्ति प्रतिष्ठान एवं अन्य संगठनों के बारे में—(प्रक्रिया नियमन) आदेश, १९८२ कहलाएगा।

२. आयोग को कार्यवाहियां साधारणतः अप्रेजी भाषा में की जाएंगी। तथापि, आयोग यदि चाहे, तो किसी भी बैठक के दौरान कार्यवाही हिन्दी में करने की अनुमति भी दे सकता है। याचिकाएँ तथा अन्य अनुरोध पत्र आयोग को निश्चित रूप में हिन्दी या अप्रेजी में दिए जा सकते हैं।

किन्तु किसी भी याचिका या शपथ पत्र पर जो हिन्दी या अप्रेजी के अलावा किसी अन्य भाषा में हो, आयोग विचार नभी करेगी जब उसके साथ उसका हिन्दी या अप्रेजी प्राप्तिकृत अनुवाद हो।

३. सरकारी पता.—प्रगते आदेशों तक, आयोग का मुख्यालय कमरा नं० २३६, पहली मंजिल, विश्वान भवन एनेक्सी, मौलाना आजाद रोड, नई दिल्ली-११००११ में है और सभी पत्र सचिव, कुदाल जांच आयोग—गांधी शान्ति प्रतिष्ठान एवं अन्य संगठनों के बारे में, कमरा नं० २२२, विश्वान भवन एनेक्सी, प्रथम मंजिल, मौलाना आजाद रोड, नई दिल्ली-११००११ को भेजे जाएँ जब तक इस पते में परिवर्तन की सूचना नहीं दी जाती।

४. कार्यालय का समय.—आयोग का कार्यालय केन्द्रीय सरकार द्वारा बनाई जाने वाली छुटियों के अलावा सभी अन्य दिनों को १०.१५ बजे पूर्वाहन से १.३० बजे अपराह्न तक तथा २.०० बजे अपराह्न से ५.१५ बजे अपराह्न तक लूप्त रहेगा। तथापि किसी भी कार्य-विभाग में पार्टियों तथा जनता के माध्यम संचालन का समय १०.३० बजे पूर्वाहन से ४.३० बजे अपराह्न तक होगा। १.३० बजे अपराह्न से २.०० बजे अपराह्न तक मध्याह्न-भोजन-प्रतंगत को छोड़कर।

५. प्रवेश अधिकार.—आयोग के भवन में प्रवेश पास के जरिए होगा। प्रवेश करने से पहले ये पास स्वापत्र कार्यालय में प्राप्त किए जा सकते हैं।

6 बैठक का स्थान—भाषारण तीर पर आयोग अपनी बैठके नई विस्ती में ऐसे स्थान या स्थानों पर करेगा जहाँ वह उचित समझे।

7 बैठक के समय आदि के बारे में सूचना—आयोग की बैठकों की नारी समय और स्थान की सूचना समय-समय पर वी जाएगी।

8 यदि लोकसभा में कोई बैठक नई दिनी में बाहर करना इन्टकर अथवा आवश्यक हो तो उचित तर्फ से इसकी सूचना पहले से ही दे दी जाएगी।

9 जनता के माय सुनवाई—जनता के लिए आयोग की सुनवाई खुले सप्त में होगी, जब तक कि आयोग इस बात का निरेश देना उचित न समझे कि किसी अकिञ्चित विषय या अस्तित्वों या किसी विशिष्ट विषय के बारे में कार्यवाहिया गृह्ण स्वर्ग में मूर्खी जाएगी।

किन्तु यहाँ यह है कि यदि आयोग को ऐसा लगे कि जिस समय वह प्रधानमंत्री कर्मसे में जनता के माय बैठके करना आहता हो अथवा ऐसी बैठके कर रहा हो, तो उस कर्मसे में प्रवेश करने वालों के प्रवेश का नियमित करना जरूरी है तो आयोग विशिष्ट आदेश द्वारा आवश्यक निरेश जारी कर सकता है। यदि काई अकिञ्चित आयोग द्वारा या आयोग के प्राधिकार में जारी किए गए ऐसे नियम का अनुपालन नहीं करता है तो उस अकिञ्चित को अनधिकार में प्रविष्ट हुआ माना जाएगा।

प्रीर यह भी प्रवण करने वाले किसी भी अकिञ्चित को आयोग के कक्ष में कोई अट्टी या बैंक चेस या बैग या कोई चिक्का या गैटेट, जिसमें गम्भीर हुई असु दिखाई नहीं देती, या कोई हथियार, घन्ता या अन्य चीज़ या किसी प्रकार का कोई अन्य पदार्थ या किसी प्रकार की गड़बड़ी पैदा करने वाला या गड़बड़ी वाला अथवा अन्यथा आयोग की ठीक उग से हो रही कार्यवाहियों से विच्छ बाधा डालने वाला कोई उपकरण ले जाने की अनुमति नहीं दी जाएगी।

10 नथापि आनूनी किनावा तथा इसी प्रकार के अन्य प्रकारानों का द्वारे छिक्के में जो जाने पर उक प्रतिबन्ध प्रभावी नहीं होगा।

11 आयोग अपनी बैठके अथवानी भवन के प्रन्दर करेगा, और वहाँ आने वालों को किसी भी अकिञ्चित (अस्तित्वों) वी फोटो ल्होचने की अनुमति नहीं होगी।

12 विषय-वस्तु में संबंधित अस्तित्वों के शपथ-पत्र—आयोग, कार्यवाही के किसी भी स्तर पर ऐसे अस्तित्वों से तथात्मक बयान या शपथ पत्र दाखिल करने की मांग कर सकता है जिसे आयोग के विचार से, ऐसे तथ्यों की सबद्ध जानकारी है, जो उन मामलों से संबद्ध है जिन पर आयोग जीक कर रहा है।

आयोग द्वारा मामों गए तथा दाखिल किए जाने वाले शपथ पत्र पर शपथ किसी प्राधिकारी के समझ लेनी होगी जिसे शपथ पत्र दिलाने का अधिकार कानूनी स्वर्ग से प्राप्त होगी।

13. शपथ-पत्रों के सबध में आवश्यक याते—आयोग के समझ दाखिल किए जाने वाले शपथ पत्र में निम्नलिखित शब्द पूरी होगी जाहिए—

(1) बहुतर यह होगा कि यह हिन्दी अथवा अंग्रेजी भाषा म हो, प्रीर यदि यह हिन्दी अथवा अंग्रेजी के अलावा किसी अन्य भाषा में हो तो उसके माय, किसी प्रथम श्रेणी मजिस्ट्रेट, शपथ-आयुक्त, अथवा किसी नोटरी द्वारा विशिष्ट प्राधिकृत उसका हिन्दी अथवा अंग्रेजी अनुवाद होना चाहिए।

(2) यह प्रथम पूर्ण में होगा और पैराग्राफों में विभाजित होगा जिनकी मत्त्वा कमानुसार रहेगी तथा नव्यों के सबध में प्रत्येक सार्वजनिक व्यात का सामग्री एक अलग पैराग्राफ के विषय रूप में होगी।

(3) इसमें अभिभासी का सही दृष्टिवा, अवसाय तथा उमका रहने का स्थान भी दिया जायेगा।

(4) इसे निम्नलिखित ढंग से सरथ प्रभागित किया जायेगा—
प्रभागित किया जाता है कि—

(क) इस शपथ पत्र के पैराग्राफ—में दिये गए बयान मेरी स्वयं की जानकारी के मुताबिक मही है

(ख) इस शपथ पत्र के पैराग्राफ—में दिये गए बयान मुझे मिली सूचना पर आधारित है, जो मुझे विश्वास है कि मही है

सपष्टीकरण जब ऐसी सूचना निम्नलिखित स्रोत द्वारा दी गई सूचना के निष्कर्ष पर आधारित हो—

(1) किसी अकिञ्चित में—तो ऐसे अकिञ्चित का नाम, दृष्टिवा, अवसाय, तथा सही पता शपथ पत्र में दिया जायेगा,

(2) किसी वस्तावेज या रिकार्ड में—तो वस्तावेज या रिकार्ड के विवरण और स्वरूप तथा उस अकिञ्चित का नाम, दृष्टिवा तथा आवामीय पता, जिसके कड़े या नियन्त्रण में ऐसा दस्तावेज या रिकार्ड है, शपथ पत्र में दिया जायेगा।

(3) किसी अक्षय स्रोत में—तो ऐसी सूचना के स्रोत को अक्षय पत्र में प्रकट किया जायेगा।

(ग) इस शपथ पत्र के पैराग्राफ में दिये गए बयान मेरे विश्वास के मुताबिक मही है,

(घ) इस शपथ पत्र के पैराग्राफ में दिये गए बयान आयोग को मेरे द्वारा किया गया अंतम निवेदन है।

(5) यदि अभिभासी शपथ पत्र में दिये गये अपने सम्पूर्ण बयान या उस बयान के किसी अक्षय के सबध में किसी दस्तावेज पर भरोसा करना है, तो ऐसे दस्तावेज का मूल प्रति अथवा उसकी विधिवत प्रभागित प्रति शपथ पत्र के साथ दाखिल की जायेगी। यदि ऐसे दस्तावेज की मूल प्रति अभिभासी के पास या उसके नियन्त्रण में नहीं है तो वह भरोसा, किये जाने वाले दस्तावेज के सार-गम्भीर विषय वस्तु का मकेन देगा तथा उस अकिञ्चित का नाम, दृष्टिवा तथा मही पता भी देगा, जिसकी अभिभासी या नियन्त्रण में वह दनावेज है। किन्तु जहाँ ऐसा दस्तावेज कोई मरकारी अभिलेख है, तो उसे उस दस्तावेज के विवरण देने होगे और वह बताना होगा कि वह दस्तावेज किम विषयां या बैक या मरकारी क्षेत्र के उपकरण या अकिञ्चित या अधिकारी की अभिभासी तथा नियन्त्रण में है।

(6) इसके साथ, जहाँ कही जरूरी हो, उन गवाहों की सूची होगी जिनसे अभिभासी शपथ-पत्र में दिये गए बयानों के मर्याद में पूछताला करना चाहता हो। इस सूची में—

(क) ऐसे प्रत्येक गवाह के पूरे बैरे तथा मही पता दिया जाना चाहिए,

(ख) वह सभ्य या वे तथ्य विषय जाने चाहिए, जिनके बारे में यह उम्मीद हो कि प्रत्येक गवाह अपनी पूछताला के दौरान उन्हें मिथ्क कर देगा, और

(ग) प्रत्येक गवाह के गवाह पत्र देने की बजाय उससे जबाती पूछताला करने वी आयोग की जा रही है।

- (7) इस पर शपथ उम्म प्राधिकारी के समने लेनी आहिंगा जिसे ऐसी शपथ दिलाने की जाकिन कानूनी स्वर्ग में प्राप्त हो।
- (8) इसके साथ, जहाँ सक हो सके, परे जा सकने योग्य इसकी पांच अधिनियम प्रतियां होनी आहिंगा।
- (9) यदि शपथ पत्र किसी कंपनी, नियम, सोमाइटी या अन्य ऐसे ही व्यक्ति की ओर से दिया जाए तो शपथ पत्र पर कपड़ी के अधिक, नियम के सचिव, सोमाइटी के मन्त्रिक या उस अन्य व्यक्ति के हस्ताक्षर होने आहिंगा जिसे ऐसी कपड़ी के निवेशक-संडल या प्रबन्ध निकाय द्वारा अधिक नियम, सोमाइटी द्वारा, या उस अन्य व्यक्ति द्वारा इस नियमित प्राधिकृत किया गया हो।

14. डाक से या इसी भेजे गए शपथ पत्रों की पावतियां भेजना जब कभी कोई शपथ पत्र डाक से प्राप्त होगा उसकी प्राप्ति सूचना जिस पत्र के साथ उसे भेजा गया है उस पर विवेक पत्रे पर भेजने वाले को दी जाएगी। यदि कोई शपथ पत्र आयोग के कार्यालय में उसे प्राप्त करने के लिए प्राधिकृत किसी व्यक्ति को वस्ती दिया जाएगा तो उस शपथ पत्र को देने वाले व्यक्ति को उसकी पावती दी जाएगी।

15. आयोग सामान्यतया उस व्यक्ति को बुलायेगा जिस पर ऐसा कोई काम करने या भूल करने या उसे करने में भाग लेने या उसमें अन्यथा संबंध होने या उसे करने में उसका हाथ होने का आरोप हो जिसका संबंध उन नियमित कारबाहों, अनियमितताओं या अनुचित पश्चात करने से ही जो कि आयोग के समक्ष जांच की विषय-स्तर है, ताकि वह ऐसे आरोप के प्रति अपना उत्तर दें। यह उत्तर सामान्यतया आयोग के समक्ष मौखिक बयान में दिया जाएगा। परन्तु आयोग विविध में बयान देने की अनुमति दे सकता है और, यदि उपर्युक्त समझा जाए, तो ऐसे व्यक्ति को शपथ पूर्वक शपथ पत्र में बयान देने की अनुमति दे सकता है।

16. भाष्य—नियम 5(2) के अधीन जारी किए गए नीटिमों के उत्तर में प्राप्त सभी बयानों की जांच करने के बाबत, यदि आयोग जल्दी समझे तो उस बयान को दाखिल करने वाले किसी व्यक्ति को मौखिक साक्ष देने वाला जिरह के लिए खुद को हाजिर करने के लिए कह सकता है, और जिरह मुच्यन्तः उसके शपथ पत्र को मानकर की जाएगी। गवाह के रूप में किसी अन्य व्यक्ति द्वारा दिये गए बयानों को भी मुख्य परीक्षा माना जाएगा।

परन्तु यह है कि अधिकारी सभेत किसी भी व्यक्ति को मौखिक जिरह का अधिकार नहीं होगा।

17. आयोग के समक्ष उपस्थित व्यक्ति का साक्ष्य—आयोग अपने विवेक से गवाह के रूप में ऐसे किसी व्यक्ति से पूछताछ कर सकेगा जो किसी बैठक के बीचारा आगांतुक के रूप में यह अन्यथा आयोग के समक्ष उपस्थित हुआ है, यदि आयोग वही राय में ऐसा व्यक्ति आयोग के विवादार्थ-विषयों के अन्तर्गत आगे बढ़े किन्तु मामलों से संबंधित तथ्यों से बाकी है या ऐसे किसी लेन-देन या घटना से बाकी है जिसका संबंध आयोग के समक्ष जांच की किसी विषय-स्तर से है।

18. आयोग, कार्यवाही की किसी अवस्था में ऐसे किसी व्यक्ति को समन भेज सकेगा या बुला सकेगा जिससे गवाह के रूप में पूछताछ की जा चुकी है, या जिसने कोई शपथ पत्र या नियम का बयान प्रस्तुत किया है, और उसमें ऐसे प्रश्न पूछ सकेगा जो आयोग ठीक मम्ही और उसका आगे बयान दर्ज करेगा। उपर्युक्त शब्दिन के अनुसरण में बुलाए गये ऐसे किसी व्यक्ति से जिरह करने का अधिकार किसी भी व्यक्ति का नहीं होगा परन्तु आयोग कोई स्पष्टीकरण द्वारा कोई विवेक से उभये प्रश्न पूछने की अनुमति दे सकता है।

19. अनावश्यक गवाहों को बुलाने में इकार करना—आयोग को ऐसे किसी मामले में किसी गवाह से पूछताछ करने से ईकार करने का अधिकार प्राप्त होगा जिसमें आयोग की यह राय हो कि गवाह का साक्ष्य असंगत

या अनावश्यक है, या उसका उन्नेक दूर करने या परेशान करने के प्रश्नोंजन से किया गया है।

20. मौखिक साक्ष दर्ज करने का तरीका—जब आयोग नियम 5

(2) (क) के अधीन किसी मामले में मौखिक साक्ष वर्ज करने का नियम करे तो पहले ये केन्द्रीय सरकार के साक्ष को, यदि कोई हो और अन्य व्यक्तियों के साक्ष को दर्ज करेगा जिसका संबंध आयोग के समक्ष जांच की विषय-स्तर हो।

21. आयोग को यह अधिकार होगा कि वह अपने विवेक से, किसी अधिकार को मौखिक पूछताछ या जिरह के लिए बुलाने से हंकार करे और इसकी बजाय उसे भेजे गए प्रश्नों के जितना शपथ पत्र पर उससे पूछताछ करे।

22. जांच करने वाले अधिकारी की रिपोर्ट निऱ्ठल करने की विधि—जब इस अधिनियम की धारा 5क (1) के अधीन अयोग द्वारा इस नियमित प्राधिकृत अधिकारियों द्वारा की गई जांच की रिपोर्ट प्राप्त हो जाए तो आयोग यह वह ठीक समझे, उस अधिकारियों द्वारा जांच की गई जांच की विषय-स्तर हो। इस अधिकारियों से, जिसने जांच करने की गई जांच की विषय-स्तर के बाबत जांच करने की गई जांच की विषय-स्तर के बाबत जांच की विषय-स्तर में संबंधित हो या जिसका साक्ष्य अन्यथा आवश्यक हो।

परन्तु यह है कि आयोग रिपोर्ट को साक्ष्य के रूप में अंतिम रूप से मान लेने से पहले, अपने विवेक से, रिपोर्ट में दिए गए तथ्यों तथा जांच अधिकारी या एजेंसी द्वारा नियमे गए निष्कर्षों, यदि कोई हों, के मही होने के बारे में अपनी संतुष्टि की दृष्टि से उस दस्तावेज़ों, उदारणों, नकलों तथा अन्य सामग्री को और उन व्यक्तियों के बयानों को देख सकेगा, जो जांच करने वाले अधिकारी या एजेंसी द्वारा इकट्ठी की गई हो। इस विनियम में कोई भी बात आयोग को बुलाने से बाधित नहीं करेगी जिसके पास या जिसके अधिकार में कोई ऐसा दस्तावेज़ या अन्य सामग्री हो, जो आयोग के समक्ष जांच की विषय-स्तर से संबंधित हो या जिसका साक्ष्य अन्यथा आवश्यक हो।

23. ऊपर उल्लिखित जांच रिपोर्ट में दी गयी सामग्री पर विवार करने पर आयोग किसी विविष्ट मुद्रों के बारे में आगे जांच करने तथा इस तरीके से जांच करने का निर्देश देने वाले जो मामले के तथ्यों तथा परिस्थितियों के मंदिर में उपयुक्त लगता हो, और इसके बाबत जांच अधिकारी या जांच एजेंसी नियमानुसार आगे जांच करेगा और इस प्रयोजन के लिए आयोग द्वारा बहुत गए यथा में आगे जांच रिपोर्ट प्रस्तुत करेगा।

24. साक्ष अधिनियम के उपलब्धों का नाम न होना—हालांकि साक्ष्य अधिनियम के नक्काशी के उपर्युक्त तथा कानूनी अदालतों को साक्ष वर्ज करने तथा इसे स्वीकार करने में भार्या बनाने वाले अन्य कानून आयोग के समने साक्ष को दर्ज किए जाने या उसे मान लिए जाने को शासित या सीमित नहीं करेंगे तो भी साक्ष अधिनियम के मुख्य उपर्युक्तों में निहित नैयंगिक तथ्य के मौखिक मिहानों को यथा संबंध मार्गदर्शी मिहानों के रूप में माना जाएगा।

25. प्राधिकृत व्यक्ति द्वारा साक्ष्य प्रदान करना—गवाहों के बयान उपर्युक्त करने के बजाय, आयोग किसी ऐसे व्यक्ति या व्यक्तियों को नियुक्त कर सकता है जिसके समक्ष दर्शन दियें रिपोर्ट किए जा सकते हैं। आयोग ट्रिप्पिकार्ड या इसी प्रकार के ग्रन्थ विवर पर बयान रिपोर्ट करने की मंजूरी भी प्रदान कर सकता है।

26. साक्ष्य मूल दस्तावेज की स्वीकृति—जहाँ मूल साक्ष्य तथा पत्र अवधार केन्द्रीय संसदीय सरकारों या राज्य सरकारों तथा उसके संबंध तथा अधीनस्थ कार्यालयों, जिसमें सरकार के नियंत्रणात्मक संगठन, सांबंधित अधिकारी एवं तथा सहकारी समितियों भी शामिल हैं, की काल्पनिक में हैं, वहाँ आयोग, आवश्यक रिपोर्ट का निरीक्षण करने तथा साक्ष्य/पत्र अवधार कार्ड, जैव भी मामला हो, की अधिप्रमाणिकता के बारे में स्वयं संतुष्ट हो जाने के बाबत उसे किसी भी गवाह की गवाही के

रूप में, किसी व्यक्ति के साक्ष की पुस्ति के लिए अथवा उसके खण्डन के रूप में, अथवा किसी व्यक्ति से जिरह करने के प्रयोजन में शामिल कर सकता है।

27. वंजीकृत दस्तावेज़ — रजिस्टर्ड दस्तावेजों की या मूल रूप में अथवा पंजीकरण विभाग द्वारा जारी की गयी उसकी प्रभागित प्रतियों का सामान्यतः उनके निष्पादन की औपचारिक तर्जीक किए और स्वीकार किया जाएगा।

28. जिरह करने का अधिकार — जिन मामलों में सौचिक साक्ष दर्ज किया गया हो, उसमें आयोग के समक्ष मध्य पाठियों तथा ऐसे व्यक्तियों को जिनका उन्नेक्ष प्रतिनियम की धारा 8-व्या में किया गया है, गवाह स जिरह करने का अधिकार दिया जाएगा।

29. आयोग, अपने विवेक में, किसी प्रकार के भौतिक साक्ष के बर्दाच शपथ पत्र के किसी भी साक्ष के विषय का निपटान कर सकता है।

30. सुनवाई आदेश — आयोग के लिए यह अब्दी नहीं होगा कि वह अपने समक्ष लाए गए मामलों की सुनवाई किसी विशेष तरीके से या अपने विचारार्थ विषयों के कामानुसार करे।

31. नियम 5(2) के अधीन नीतियों के उत्तर में बयान ग्राह होने पर आयोग ऐसे विचारार्थ विषयों पर या तो अलग से या सामूहिक रूप में, जैसा भी वह उचित समझे कार्रवाई कर सकता है।

32. प्रथमानुष दस्तावेजों पर हस्ताक्षर संबंधी प्रविधिकार — नियम 4(2) और 4(6) के अधीन आयोग के अधिवक्ता तथा सहायक सचिव आयोग द्वारा या आयोग के प्राधिकार के अधीन जारी किए जाने वाले सपनों या किसी भी अन्य कार्रवाई वंची कागजात पर हस्ताक्षर करने के लिए प्राधिकृत है।

शार्ट यह है कि आयोग किसी विशेष मामले में अपने अधीन कायं करने वाले किसी भी अन्य प्रत्यक्षिकारी के आयोग द्वारा या आयोग के प्राधिकार के अधीन जारी किए जाने वाले सपनों तथा किसी भी अन्य कार्रवाई संबंधी कागजात पर जहाँ भी वह उचित समझे या ऐसा करने की व्यवस्था करे, प्राधिकृत कर सकता है।

33. आयोग या तो स्वयं के प्रस्ताव पर या किसी व्यक्ति या पार्टी के आवेदन पर किसी भी याचिका, शपथ पत्र या अन्य दस्तावेज से कोई भी बात मिटा या हटा सकता है अथवा आयोग को प्रस्तुत किए गए किसी भी ऐसे दस्तावेज को बापाम कर सकता है, जो आयोग की राय में असंगत, या अभावशक्त रूप से प्राप्तिजनक प्रस्तुतीया अपमानजनक हो।

34. विनियमों में संबोधन परिवर्तन करने का अधिकार मुख्यित :— जांच के दौरान किसी भी समय, जब भी आयोग अवायक और / अथवा उचित समझे, प्रतिया संबंधी इन विनियमों में से किसी भी विनियम में परिवर्तन करने, संशोधन करने, हटाने या जोड़ने का आयोग का अधिकार मुख्यित है। जिन मामलों में ये प्रतिया संबंधी विनियम लागू नहीं होते हैं, उनके लिए, जब भी अवायकता पड़े, अधिनियम तथा नियम से मेल आते हुए पूरक नियम या विनियम जारी किए जायेंगे।

नई दिल्ली 26 जुलाई, 1982

[सं. 1/1/82- कु. ३० जा० भा]

आयोग के आदेश में
बृज मोहन किशन भट्ट, सचिव

MINISTRY OF HOME AFFAIRS

KUDAL COMMISSION OF INQUIRY ON GANDHI PEACE FOUNDATION AND OTHER ORGANISATIONS ORDER

New Delhi, the 26th July, 1982

S.O. 2908.—In exercise of the powers conferred on it by Section 8 of the Commissions of Inquiry Act, 1952 (60 of 1952) and sub-rule 8 of Rule 5 of the Commissions of Inquiry (Central) Rules, 1972 (hereinafter referred to as the Act and the Rules respectively) and all other powers enabling it, the Kudal Commission of Inquiry on Gandhi Peace Foundation and Other Organisations constituted under Sec-

tion 3 of the Act by the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 83(E) dated the 17th February, 1982 (herein referred to as the Commission) hereby makes the following order to regulate its procedure :

1. Title.—This order may be called the Kudal Commission of Inquiry on Gandhi Peace Foundation and other organisations (Regulation of Procedure) Order, 1982.

2. The proceedings of the Commission shall ordinarily be conducted in the English language. However, the Commission may in its discretion during the course of any sitting allow the proceedings to be conducted in Hindi. Petitions and other submissions in writing can be made to the Commission either in Hindi or in English language.

Provided that a petition or affidavit in a language other than Hindi or English can be entertained by the Commission if it is accompanied by an authenticated translation in Hindi or English.

3. Official address.—Until further orders, the Headquarters of the Commission is at Room No. 236, First Floor, Vigyan Bhavan Annex, Maulana Azad Road, New Delhi-110011 and all communications should be addressed to the Secretary to the Kudal Commission of Inquiry on Gandhi Peace Foundation and other Organisations, Room No. 222, Vigyan Bhavan Annex, Maulana Azad Road, New Delhi-110011 till a change in address is notified.

4. Hours of working.—The office of the Commission shall be open between 10-15 AM to 1.30 PM and 2.00 PM to 5.15 PM on all days other than holidays and closed days observed by the Central Government. However, the hours during which business may be transacted with the parties and the public shall be between 10.30 AM and 4.30 PM (excluding the lunch interval from 1.30 PM to 2.00 PM) on any working day.

5. Right to admission.—Entry to the office premises of the Commission shall be regulated by passes which can be obtained at the Reception office before entry.

6. Place of sitting.—The Commission shall ordinarily hold its sittings at New Delhi at such place or places as it may deappropriate.

7. Time etc. of sitting to be notified.—The dates, timings and venue of the sittings of the Commission will be notified from time to time.

8. If it is expedient or necessary in public interest to hold any sitting outside New Delhi, due notice will be given in advance in an appropriate manner.

9. Public hearings.—The hearings of the Commission will be open to the public except when the Commission thinks fit to direct that proceedings in respect of a particular person or persons or any specific subject matter shall be heard in camera;

Provided further that no visitor will be permitted to carry entry of visitors to the court room where the Commission intends to hold or is holding public sittings, the Commission may, by a specific order, issue necessary directions. Any person failing to comply with any such direction issued by or under authority of the Commission is liable to be treated as a trespasser;

Provided further that no visitor will be permitted to carry inside the court-room of the Commission any attache or brief-case or a bag of any container or package contents whereof are not visible, or any weapon, instrument or other object or substance of any kind or any equipment which can create or lead to disturbance of any kind or otherwise cause interference in the orderly conduct of the proceedings of the Commission.

10. Law books and other similar publications in open containers will not however be affected by the above restriction.

11. Visitors will not be permitted to take photographs of any person(s) inside the court premises where the Commission holds its sittings.

12. Affidavits from persons acquainted with the subject matter.—The Commission may, at any stage of the proceedings, require persons who in its opinion, have knowledge of

facts relevant to matters under inquiry before the Commission, to file statements of facts or affidavit. An affidavit required by the Commission to be filed shall be sworn before an authority legally empowered to administer oath.

13. Essential requirements of affidavits.—An affidavit to be filed before the Commission shall satisfy the following conditions :—

- (1) it shall preferably be in Hindi or English languages and, if it is in a language other than Hindi or English, it shall be accompanied by a translation thereof in Hindi or English duly authenticate by a Magistrate of the first class, Oath Commissioner or Notary.
- (2) it shall be in the first person and divided into paragraphs, to be numbered consecutively, each material statement of fact being made the subject matter of separate paragraph ;
- (3) it shall include therein the correct description, occupation and place of abode of the deponent ; and
- (4) It shall be verified in the following manner :—
“Verified that—
(a) the statements made in paragraphs....of this affidavit are true to my own knowledge ;
(b) the statements made in paragraphsof this affidavit are based on the information derived by me from.....which is believed by me to be true;

Explanations : Where such information is based on any information derived :

- (i) from an individual, the name, description, occupation and correct address of such individual shall be specified in the affidavit ;
- (ii) from any document or record, the particulars and nature of the document or record, and the name, description and address of the person having the custody or control of such document or record shall be specified in the affidavit ;
- (iii) from any other source, the source of such information shall be disclosed in the affidavit ;
- (c) the statements made in paragraphs.....of this affidavit are true to my belief ;
- (d) the statements made in paragraphs..... of this affidavit are my submissions to the Commission.
- (5) In case deponent relies for the whole or any part of his statement in the affidavit on any document, the original document, or a duly attested copy thereof, shall be filed alongwith the affidavit. In case the original of such document is not in the possession or control of the deponent, he shall indicate the material contents of the documents intended to be relied upon and the name, description and the correct address of the person having custody or control of such document. Where, however, the document is an official record, the particulars of such document, the Department or Bank or public sector undertaking or the person or officer in custody and control thereof shall be indicated ;
- (6) It shall be accompanied, where necessary by a list of witnesses whom the deponent wishes to examine in support of the statements made in the affidavit, indicating ;
 - (a) the full particulars and correct address of each such witness ;
 - (b) the fact or facts which each witness is expected to prove in his examination ; and
 - (c) the reasons why, instead of obtaining an affidavit from each witness, his oral examination is prayed for.

(7) It shall be sworn before an authority legally empowered to administer oaths ;

(8) It shall be accompanied, as far as possible, by five legible spare copies thereof ;

(9) In the case of an affidavit purporting to be on behalf of a company, corporation, society or other similar person, the affidavit shall be signed by the secretary of the Company, body corporate, society or other person or by such other individual as the Board of Directors or the Management Body of such company, body corporate, society or other person may authorise in this behalf.

14. Receipts for affidavits sent by post or by hand.—Whenever an affidavit is received by post, an acknowledgement will be sent by post to the sender at the address given in the forwarding letter. If an affidavit is handed in person at the office of the Commission to a person duly authorised to receive the same, the person presenting it shall be given a receipt therefor.

15. The Commission will ordinarily call upon any such person charged with committing or participating in the commission or otherwise being concerned in or privy to the commission of any act or omission connected with any of the alleged malpractices, irregularities or undue favours which are the subject matter of inquiry before the Commission, to make his reply to such charge. The reply shall ordinarily be made in a statement *viva voce* before the Commission. But the Commission may allow statement in writing and, if considered appropriate, sworn by such person in an affidavit.

16. Evidence.—If the Commission considers it necessary, after examination of all statements received in response to the notices issued under Rule 5(2), it may call upon any person filing a statement to give oral evidence and submit himself to cross-examination, his affidavit being treated as examination-in-chief. Affidavits furnished by any other person as a witness will also be treated as examination in chief.

Provided that no person, including a deponent of an affidavit, shall have a right to oral examination.

17. Evidence of person present before the Commission.—The Commission, may, in its discretion, examine any person as a witness who is present before the Commission during the course of any sitting either as a visitor or otherwise, if in the opinion of the Commission, such person appears to be conversant with the facts relating to any of the matters covered by the terms of reference of the Commission or acquainted with any transaction or incident which may have some connection with the subject-matter of the inquiry before the Commission.

18. The Commission may at any stage of proceedings summon or recall any person who may have been examined as a witness or may have submitted an affidavit or a statement of facts and may put such questions to him as it may think fit and record his further statement. No person shall have the right to cross-examine such person who may have been summoned or recalled in pursuance of the above power but the Commission may in its discretion allow questions to be put to him for seeking any clarifications.

19. Refusal to summon unnecessary witness.—The Commission shall have the right to refuse to examine any witness in any case in which it is of opinion that the evidence of the witness is irrelevant or unnecessary or if he has been cited for the purpose of delay or vexation.

20. Mode of recording oral evidence.—In a case where the Commission decides to record oral evidence under Rule 5(2)(a), it shall first record the evidence by the Central Government, if any, and other persons prosecuting an allegation with regard to the subject matter of inquiry before the Commission.

21. The Commission shall have the right, in its discretion, to refuse to call any person for oral examination or cross-examination and instead, to examine him on affidavit through interrogatories delivered to him.

22. Mode of proof or report of investigating officer.—When the report of the investigating undertaken by the officer authorised in this behalf by the Commission under Section 5A(1) of this Act is received, the Commission may, if it so deems proper, examine the officer or officers, who conducted the investigation and thereafter admit the report as evidence of the facts contained therein;

Provided the Commission may, in its discretion, with a view to satisfying itself about the correctness of the facts set forth in the report and the conclusions, if any, arrived at by the investigating officer or agency, peruse the documents, extracts, copies and other materials collected by the investigating officer or agency and the statements of persons examined by such investigating officer or agency before finally accepting the report as evidence. Nothing in this regulation shall preclude the Commission from summoning any person who may have in his possession or power any document or other material which may be relevant to the subject matter of inquiry before the Commission or whose testimony may be otherwise necessary.

23. On a consideration of the material contained in the report of investigation referred to above, the Commission may direct that further investigation may be made on any specific point or points and in such a manner as it deems appropriate having regard to the facts and circumstances of the case, and thereupon the investigating officer or agency shall undertake further investigation as directed and submit a further report of investigation in such time as may be allowed by the Commission for this purpose.

24. Provisions of Evidence Act not applicable.—Although the technical provisions of the Evidence Act and other laws enabling Courts of Law to record and admit evidence shall not govern or limit the recording of evidence before the Commission or its admissibility, the fundamental principles of natural justice underlying the primary provisions of the Evidence Act, shall be observed as a guide as far as possible,

25. Recording of statement by authorised person.—Instead of the Commission personally recording the statement of witnesses the Commission may appoint a person or persons before whom such submission may be recorded. The Commission may also authorise recording of the statements on a tape-recorder or other similar equipment.

26. Admission of Original documents in evidence.—Where original evidence and correspondence are in the file of Ministries/Departments of the Central or State Governments and their attached/subordinate offices including government controlled institutions, public sector undertakings, banks and cooperative societies, the Commission may, after inspection of the necessary records and satisfying itself about the authenticity of the evidence/correspondence etc., as the case may be, admit the same in evidence with a view to utilising it for the purpose of contradicting or corroboration of the testimony of any witness or cross-examination of any person.

27. Registered documents.—Registered documents, in original, or their certified copies issued by the Registration Department shall, as a rule, be admitted without requiring formal proof of their execution.

28. Right to cross-examine.—In cases where oral evidence is recorded, all parties before the Commission and such persons as are referred to in section 8B of the Act, shall be given an opportunity to cross-examine the witness.

29. The Commission may, at its discretion, dispose of any issue of fact on affidavits without any oral evidence.

30. Order of hearing.—It shall not be incumbent on the Commission to take up hearing of matters brought before it in any particulars order or ad seriatum in relation to its terms or reference.

31. The Commission may on receipt of statement in response to notices under Rule 5(2) proceed with such of the terms of reference, either singly or in groups as it may deem appropriate.

32. Authority to sign processes delegated.—The Secretary and Assistant Secretary to the Commission have been authorised under Rule 4(2) and 4(6) to sign summons and any

other process issued by or under the authority of the Commission :

Provided that the Commission may authorise any other Officer working under the Commission in a particular case to sign summons or any other process issued by or under the authority of the Commission where it deems fit and proper to do so.

33. The Commission, may, either on its own motion or on an application made by any person or party, delete or expunge any matter from any petition, affidavit or other document, or return any document presented to the Commission, is irrelevant or needlessly offensive, scurrilous or scandalous.

34. Powers to amend/alter etc. regulations reserved.—The Commission reserve its right to alter, modify, delete or add to any of these regulations of procedure at any time during the inquiry as and when it considers necessary and/or appropriate. On matters not covered by these regulations of Procedure, supplementary directions or regulations consistent with the Act and the Rules, will be issued by the Commission as and when need for the same arises.

Dated : New Delhi

[No. 1/1/82-KCI]

26th July, 1982.

By order of the Commission

B. M. K. MATTOO, Secy.

मुद्राल जाच आयोग

गोष्ठी शांति प्रतिष्ठान एवं अध्य संगठनों के बारे में

नई दिल्ली, 31 जूलाई 1982

का० आ० 2909.—भारत सरकार के गृह मंत्रालय की अधिसूचना संख्या का० आ० 532 (अ) तारीख 30 जूलाई, 1982 के साथ पठित भारत सरकार के गृह मंत्रालय की अधिसूचना संख्या का० आ० 83(अ) तारीख 17 फरवरी, 1982 द्वारा (जिन्हें इस अधिसूचना के अधीन परिषिक्षण-I और परिषिक्षण-II में उद्धृत किया गया है तथा जिन्हें इसमें इसके बाबत "केन्द्रीय सरकार की अधिसूचना" कहा गया है) गोष्ठी शांति प्रतिष्ठान, गोष्ठी स्मारक निषि, अधिकाल भारतीय सर्व सेवा संघ, शामील विकास के लिए स्वीचिक अभिकरणों के संगम तथा उपयुक्त संगठनों से निकट रूप से संबद्ध अन्य संगठनों के कार्यकरण, कार्य और उसके कार्यकलापों की, जिनमें उनके प्रकाशन भी हैं, यह अवधारित करने के प्रयोजन से जांच करने के लिए कि क्या उन्होंने भपते लक्ष्यों और उद्देश्यों के अनुरूप कार्य किया, उपर निर्दिष्ट संगठन/संगठनों की स्रोतों की जांच करने, उक्त संगठनों द्वारा उनके लक्ष्यों और उद्देश्यों के संदर्भ में निषियों के उपयोग की गति और उनके दुरुपयोग की, यदि कोई हो, जांच करने और साथ ही ऐसे निसी अन्य मामले हों, जो उपयुक्त मामलों से आनुशासिक या सुरक्षित हो, जांच करने के लिए एक जांच आयोग नियुक्त किया गया है।

प्रतः इस प्रकार नियुक्त जांच आयोग (केन्द्रीय) नियम, 1972 के नियम 5 के उपनियम 2 के खंड (अ) के अनुसरण में उन अविकल्पों, कम्पनियों, निगमों सोसाइटियों और ऐसे अन्य अविकल्पों से, जो जांच की विषयवस्तु से सुपरिचित हों, केन्द्रीय सरकार की अधिसूचना में विनिर्विद्य मामलों से संबद्ध तथ्यों का कथन आयोग को प्रस्तुत करने के लिए आमंत्रित करता है और तथ्यों का ऐसा प्रत्येक कथन निम्ननिवित्त अपेक्षाओं के अनुकूल होगा, अर्थात् :—

(1) आयोग को प्रस्तुत तथ्यों के प्रत्येक कथन के साथ एक शपथ पत्र होगा जिसमें ऐसी जानकारी अधिकारित की जाएगी जो जांच की विषय वस्तु के लिए उपयोगी हो मा समुचित भीरे महिल जांच की विषय वस्तु से सुरक्षित हो तथा उसके साथ बहु साक्ष्य भी होगा जिसके द्वारा अधिनाशी तथ्यों के ऐसे कथन को स्थापित करने का प्रस्ताव करता है;

(2) तथ्यों का कथन और उसके सम्बन्ध में काइल किया गया शपथ पत्र, प्रधिमानतः हिन्दी या अंग्रेजी भाषा में होगा जिस्त यदि वह

हिन्दी या अंग्रेजी से लिख किसी अन्य भाषा में है तो उसके साथ किसी प्रथम व्येष्टी के मजिस्ट्रेट, शपथ-प्राप्तकृत किसी नोटरी द्वारा सम्मिलित रूप से अधिप्रमाणित उमक, हिन्दी या अंग्रेजी में अनुवाद भी होगा;

- (3) प्रत्येक शपथ-पत्र प्रथम-पुरुष में लिखा जाएगा और पैरों में विवरित किया जाएगा, जो संस्था अमानुसार सद्व्यक्ति किए जाएंगे, तथ्यों संबंधी प्रत्येक तात्त्विक कथन एक अन्य वैश्व की विषय बन्दु द्वारा होगा,
- (4) प्रत्येक शपथ-पत्र में अभिसाधी का सही वर्णन, व्यवसाय और नियाम का स्थान दिया जाएगा और अन्त में निम्न प्रकार से उमका सत्यापन किया जाएगा, अर्थात्—

शपथपत्र

सम्मापित किया जाता है कि—

- *(क) इस शपथ-पत्र के पैरा में किए गए कथन मेरी जानकारी के अनुसार सत्य है;
 - *(ख) इस शपथ-पत्र के पैरा में किए गए कथन से मुझे अधिप्राप्त जानकारी पर आधारित है, जिनके विषय में मुझे विश्वास है कि वे सही हैं।
- स्पष्टीकरण—जब ऐसी जानकारी निर्मालित किसी स्रोत द्वारा अधिप्राप्त जानकारी के निर्विकरण पर आधारित है;
- (i) किसी व्यक्ति से हाँ ऐसे व्यक्ति का नाम, वर्णन व्यवसाय और सही पता शपथ-पत्र में विवरित किया जाएगा;
 - (ii) किसी दस्तावेज या अभिलेख से, तो दस्तावेज या अभिलेख के और और स्वरूप तथा उस व्यक्ति का नाम, वर्णन और पता, जिसकी अभिरक्षा या नियन्त्रण में ऐसा दस्तावेज या अभिलेख है;
- शपथ पत्र में विवरित किया जाएगा
- (iii) किसी अन्य स्रोत से तो ऐसी जानकारी के स्रोत को शपथ-पत्र में प्रकट किया जाएगा;
- *(ग) इस शपथ-पत्र के पैरा में किए गए कथन मेरे विश्वास के अनुसार सही है;
- *(घ) इस शपथ-पत्र के पैरा में किए गए कथन आयोग को मेरे विश्वास है।

- (5) आयोग के साथ शपथ-पत्र फाइल करने वाला प्रत्येक व्यक्ति, शपथ पत्र के साथ निम्नलिखित भी फाइल करेगा:

- (1) उन दस्तावेजों को एक सूची, जिन पर वह निर्भर करता चाहता है;
- (2) उन साथ्यों को सूचा, जिनकी वह शपथ पत्र में किए गए, कथनों के समर्थन में परीक्षण करना चाहता है और ऐसे साथ्यों की पूरी विशिष्टिया तथा सही पते; और ऐसी प्रत्येक सूची में प्रत्येक साथी के नाम के सामने उस तथ्य या उन तथ्यों को उपलिखित किया जाएगा जिनका साथी से उमसी परीक्षा के द्वारा साखित किए जाने की आशा है, और वह भी कि साथी से शपथ पत्र प्राप्त करने के बाजाय उसकी मौखिक परीक्षा की प्रारंभना की जा रही है;

- (6) यदि अभिसाधी शपथ पत्र में किए गए संपूर्ण कथनों या उनमें से किसी के लिए आशिक स्पष्ट से किसी दस्तावेज पर निर्भर करता है तो जिस दस्तावेज पर वह इस प्रकार निर्भर करता है उसकी मूल प्रति या सम्मक रूप से प्रमाणित उसकी प्रतिलिपि शपथ पत्र के साथ फाइल की जाएगी। किन्तु यदि व उस दस्तावेज की मूल प्रति या उसकी प्रमाणित प्रतिलिपि अभिसाधी की अभिरक्षा में नहीं है तो वह शपथ पत्र में दस्तावेज की तात्त्विक विषयवस्तु उपलिखित करेगा जिस पर वह निर्भर करता चाहता है,

*जो लागू नहीं है उमे काट दें।

और उस व्यक्ति का नाम, वर्णन तथा सही पता भी दें। जिसकी अभिरक्षा या नियन्त्रण में वह दस्तावेज है। किन्तु जहाँ शपथ पत्र में निर्दिष्ट ऐसा दस्तावेज कोई सरकारी अभिलेख है वहा इन्होंने पर्याप्त होगा कि अभिसाधी शपथ पत्र में उस उम विभाग या अधिकारी का नाम निर्दिष्ट कर देता है जिसकी अभिरक्षा में या जिसके नियन्त्रण में ऐसी दस्तावेज है, और ऐसी दस्तावेज या अभिलेख की पूरी विविधिया जिसमें आयोग ऐसी दस्तावेज या अभिलेख की समर्थन में समर्थ हो सके।

(7) आयोग के समक्ष शपथ पत्र काइन करने वाला प्रत्येक वर्किन शपथ पत्र के साथ उसकी पाच अंतिरिक्ष प्रतिया भा. काशन करेगा।

(8) जहाँ तथ्यों का काई कथन उक्तों कारा. फिर, रान्डिटा। या ऐसे किसी अन्य व्यक्ति द्वारा किया जाता है वहा शपथपत्र उम कंपनी, नियम, सोसाइटी के सचिव या किसी ऐसे अन्य व्यक्ति द्वारा जिसे उस कथन, नियम सोसाइटी का निवेशक बोहूँ था, अन्य व्यक्ति उसे इमनिभिल प्राप्तिकृत करे, हस्ताक्षरित किया जाएगा।

(2) देशीय सरकार की अधिसूचनाओं में विर्वार्दिष्ट किया जाने वाले के संबंध में तथ्यों का प्रत्येक कथन 15 सितम्बर, 1982 का या उसमें पूर्व फाइल किया जाएगा।

(3) इस अधिसूचना के अनुमति में किया गया तथ्यों का प्रत्येक कथन किसी भी कार्य-दिवस को, आयोग के विज्ञान भवन एजेन्सी, मौलाना आजाद रोड, नई विल्सो-110011, में मिन्टर कार्यालय में निम्नलिखित पते पर, जब तक कि इस पते में कोई परिवर्तन अधिसूचित न किया जाए, व्यक्तिगत रूप से फाइल किया जा सकेगा, अर्थात्—

सचिव,
कुदाल अच आयोग—
गांधी शांति प्रतिष्ठान एवं
अन्य संगठनों के भार में,
कमरा नं 222, विज्ञान भवन एनसी,
मौलाना आजाद रोड,
नई विल्सो-110011

(4) जांब आयोग अधिनियम, 1952 (1952 का अधिनियम 60), की धारा 6, जो आयोग के समक्ष पेश होने वाले अभिसाधियों का, मिविल या दार्ढिक कार्यवाहियों से संरक्षण प्रदान करती है, आयोग का जानकारी देने के हच्छुक व्यक्तियों की जानकारी के लिए नाम दी जाती है—

"6:— आयोग के समक्ष म.क्स दों द्वारा किया जाना द्वारा किया गया कोई कथन ऐसे कथन द्वारा मिथ्या साक्षर देने के लिए अधिकारित के भित्र जो नियन्त्रण या इन्विट कार्यवाहिया के अधिकारीन नहीं करेगा या उसमें उसके विहृ प्रयुक्ति नहीं किया जाएगा।"

परन्तु यह तब जब कि ऐसा कथन—

(क) ऐसे कथन के उत्तर में दिया जाता है जिसका उत्तर देने के लिए उसमें आयोग द्वारा अपेक्षा की जाए; या

(ख) जांब की विषय-वस्तु से सुमित्र है।

[सं. 1/1/82-क००जा०प्र०]

आयोग के अवैश्वते

वृज मोहन किषन मट्टू, सचिव

नई विल्सो,

जुलाई 31, 1982

परिशिष्ट 1

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 17 फरवरी, 1982

का०आ० 3 (अ).— सोकमभा ने यह संक्षय पारित किया है।
कि

(1) गांधी शास्ति प्रतिष्ठान;]

(2) गांधी स्मारक निधि-

(3) अखिल भारतीय सर्वे सेवा संघ; और

(4) तीन उपर्युक्त संगठनों से निकट स्था में मंद अथ संगठनों के सार्वजनिक महसूल के निश्चित मामले अर्थात् कार्यकरण और कार्यकलापों के जिनके अन्तर्गत प्रकाशन और स्रोत हैं तथा निधियों के दुश्ययों की जाच करते के प्रयोजन के लिए एक जाच आयोग नियुक्त किया जाए;

और केंद्रीय सरकार की यह गाथ भी है कि सार्वजनिक महसूल के अन्य निश्चित मामले, अर्थात् ग्रामीण विकास के लिए स्वैच्छिक अभिकरणों के संगम और इससे निकट स्थूप से सबकुछ अन्य संगठनों के कार्यकरण और कार्यकलापों की जिनके अन्तर्गत प्रकाशन और स्रोत हैं तथा निधियों के दुरुपयोग की जाच करने के प्रयोजन के लिए एक जाच आयोग नियुक्त करना आवश्यक है;

अतः केंद्रीय सरकार, जाच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त गतिविधियों का प्रयोग करते हुए एक जाच आयोग नियुक्त करती है जिसमें राजस्थान उच्च न्यायालय के न्यायालय, न्यायमूलि श्री पी० ई० कुवाल होगे।

1. आयोग के निर्देश-नियंत्रण निम्नलिखित हैं:-

(क) (1) गांधी शास्ति प्रतिष्ठान

(2) गांधी स्मारक निधि-]

(3) अखिल भारतीय सर्वे सेवा संघ

(4) ग्रामीण विकास के लिए स्वैच्छिक अभिकरणों का संगम, और

(5) उपर्युक्त संगठनों ने निकट स्था में सबकुछ अन्य संगठनों के यह अवधारित करते के लिए कि क्या उन्होंने आते लक्ष्यों और उद्देश्यों के अनुरूप कार्य किया, कार्यकरण, और कार्यकलापों को, जिसमें प्रकाशन भी है, जाच करना-

(6) उपर्युक्त संगठनों की निधियों के स्रातों की जाच करना,

(7) उक्त संगठनों द्वारा उनके लक्ष्यों और उद्देश्यों के संरक्षण में निधियों के उपयोग की रक्ति और उनके युक्तियोग की यदि कोई हो, जाच करना; और

(8) किसी भी ऐसे मामले की, जो उपर्युक्त मामलों से आनुपर्याप्त या सुमग्न हो, जाच करना।

3 आयोग का सुधारालय नई दिल्ली में होगा।

4. आयोग आगामी जाच पूरी करेगा और अपनी जिमोट केंद्रीय सरकार को 31 जुलाई, 1982 को या इसके पूर्व देगा और ऐसे मामले या मामलों ने संबंधित ऐसी अन्तर्गत विधायिका गिरोटी भी, जो आयोग उचित मामले, दे सकेगा।

5. और केंद्रीय सरकार की, कि आगामी जाच के स्वाक्षर और मामले की अन्य पर्याप्तियों को ध्यान में रखते हुए यह है कि जाच आयोग अधिनियम, 1952 (1952 का 60) की धारा 5 की उपधारा 1 (2), उपधारा (3), उपधारा (4) और उपधारा (5) के सभी उपर्युक्त आयोग को लागू होते जाहिए केंद्रीय सरकार उक्त धारा 5 की उपधारा

(1) द्वारा प्रदत्त गतिविधियों का प्रयोग करते हुए, निर्देश देते हैं कि उम्मीदारों की उपधारा (2), (3), (4), और (5) के सभी उपर्युक्त आयोग को लागू होंगे।

[सं० 1/12014/81-प्र० ई०एम० (डी० II)
हौ/-]

(जी० एम०, ब्रेवल)
संपूर्ण सचिव, भारत सरकार

परिशिष्ट 2

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 30 जुलाई, 1982

का०आ० 532 (अ)—केंद्रीय सरकार, जाच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त गतिविधियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना संक्षेप, का०आ० 83(अ) तारीख 17 फरवरी, 1982 में (जो उस जाच आयोग से संबंधित है जो गांधी शास्ति प्रतिष्ठान और अन्य संगठनों के कार्यकरण तथा उनके क्रिया कलापों की जांच कर रहा है) निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना के पैरा 4 में “31 जुलाई, 1982 को या इसके पूर्व ‘शब्दों और प्रांकों, के स्थान पर “31 जुलाई, 1983 को या उसके पूर्व” शब्द और प्रांक रखे जाएं।

[सं० 1/12014/36/32-प्रा० एम० (डी० III)]
हौ/-

(ए०ल०एन० गुप्ता)]
संपूर्ण सचिव, भारत सरकार

KUDAL COMMISSION OF INQUIRY ON GANDHI PEACE FOUNDATION AND OTHER ORGANISATIONS

New Delhi, the 31st July, 1982

S.O. 2909.—Whereas by the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 83(E) dated February 17, 1982 read with their Notification No. 532(L) dated 30th July, 1982 (which have been reproduced in the Appendix 1 and Appendix 2 to this notification respectively and are hereinafter referred to as the “Central Government Notifications”) a Commission of Inquiry has been appointed for the purpose, of making an inquiry into the working and activities including publications of Gandhi Peace Foundation, Gandhi Smarak Nidhi, All India Sarva Seva Sangh, Association of Voluntary Agencies for Rural Development and other organisations closely connected with the above mentioned organisations to determine whether they acted in conformity with their aims and objects, to inquire into the sources of funds of the organisations referred to above, to inquire into the manner of utilisation of funds and misuse thereof, if any, by the said organisations, with reference to their aims and objects and to inquire into any such matter as may be incidental or relevant to the above mentioned matters.

Now, therefore, in pursuance of clause (b) of sub-rule (2) of rule 5 of the Commissions of Inquiry (Central) Rules, 1972, the Commission of Inquiry so appointed hereby invites from individuals, companies, corporations, societies and similar other persons acquainted with the subject matter of the inquiry, to furnish to the Commission a statement of facts relating to the matters specified in the Central Government notifications and every such statement of facts shall comply with the following requirements, namely.—

- every statement of facts submitted to the Commission shall be supported by an affidavit, setting out therein such information as may be useful for or relevant to the subject matter of the inquiry in sufficient detail, and the evidence by which the deponent proposes to establish such statement of facts;

- (2) the statement of facts and the affidavit filed in support thereof should, preferably, be in Hindi or English languages, but if it is in any language other than Hindi or English, it shall be accompanied by a translation thereof in Hindi or English, duly authenticated by any Magistrate of the First Class, Oath Commissioner or any Notary;
- (3) every affidavit shall be drawn up in the first person and shall be divided into paragraphs, to be numbered consecutively, each material statement of facts being made the subject matter of a separate paragraph;
- (4) every affidavit shall include therein the correct description, occupation and place of abode of the deponent and shall contain, at the end of verification in the following form, namely :—

VERIFICATION

Verified that—

- *(a) the statements made in paragraphs... . . . of this affidavit are true to my own knowledge;
- *(b) the statements made in paragraphs....of this affidavit are based on the information derived by me from.which is believed by me to be true.

Explanation : Where such information is based on any information derived :

- (i) from an individual, the name, description, occupation and correct address of such individual, shall be specified in the affidavit;
 - (ii) from any document or record, the particulars and nature of the document or record, and the name, description and address of the person having the custody or control of such document or record shall be specified in the affidavit;
 - (iii) from any other source, the source of such information shall be disclosed in the affidavit.
- *(c) the statements made in paragraphs... of this affidavit are true to my belief;
 - *(d) the statements made in paragraphs. of this affidavit are my submissions to the Commission.
- (5) every person filing an affidavit before the Commission shall file, along with the affidavit—

- (i) a list of documents on which he intends to rely;
- (ii) a list of witnesses whom he would like to examine in support of the statements made in the affidavit and the full particulars and correct addresses of such witnesses; and every such list shall indicate against the name of each witness, the fact or facts which the witness is expected to prove in his examination, and why, instead of obtaining an affidavit from the witness, his oral examination is being prayed for;

- 6) If the deponent relies, for the whole or any part of his statements in the affidavit on any document, the original document so relied upon or a duly certified copy thereof shall be filed alongwith the affidavit; but if the original document or the certified copy thereof is not in the custody of the deponent, he shall indicate, in the affidavit, the material contents of the document intended to be relied upon by him and the name, description and correct address of the person having the custody or control of such document. Where, however, the document referred to in the affidavit is an official record, it shall be sufficient if the deponent specifies in the affidavit, the name of the department or officer having the custody or control of such docu-

*Delete whichever is not applicable.

ment and the full particulars of the document or record to enable the Commission to call for such document or record.

- (7) Every person filing an affidavit before the Commission shall be along with the affidavit 5 spare copies thereof;
- (8) where any statement of facts is made by a Company, Corporation, Society or similar other person, the affidavit shall be signed by the Secretary of the Company, Corporation, Society or other person or by such other individual as the Board of Directors of such company, corporation, society or other person may authorise in this behalf.

2. every statement of facts with regard to any matter specified in the Central Government Notifications shall be filed on or before the 15th September, 1982.

3. every statement of facts made in pursuance of this notification may be filed personally on any working day at the office of Commission at Vigyan Bhawan Annex, Maulana Azad Road, New Delhi-110011 at the following address :

Secretary,

Kuljal Commission of Inquiry
on Gandhi Peace Foundation
and other organisations,
Room No. 222, Vigyan Bhawan Annex,
Maulana Azad Road,
New Delhi-11001.

till a change in the address is notified.

4. Section 6 of the Commission of Inquiry Act, 1952 (Act 60 of 1952) which protects deponents before the Commission from civil or criminal proceedings is reproduced below for the information of the persons intending to furnish information to the Commission :

*6. Statement made by person to the Commission.

No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him, in any civil or criminal proceeding except a prosecution for giving false evidence by such statement :

Provided that the statement—

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

[No 1/182-KCI]
By order of the Commission
B. M. K. MATTOO, Secy.

New Delhi,
July 31, 1982.

APPENDIX I

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 17th February, 1982

S.O. 83(E).—Whereas the House of the People have resolved that a Commission of Inquiry be appointed for the purpose of making an inquiry into a definite matter of public importance, namely, the working and activities, including publications and sources and misuse of funds of—

- (1) Gandhi Peace Foundation;
- (2) Gandhi Smarak Nidhi;
- (3) All India Sarva Sewa Sangh; and
- (4) Other organisations closely connected with the three above mentioned organisations

And whereas the Central Government is also of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into another definite matter of public importance, namely, the working and activities, including publications and sources and misuse of funds of the Association of Voluntary Agencies for Rural Development and other organisations closely connected with it.

Now, therefore, in exercise of the powers conferred by section 3 of the Commission of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Shri Justice P. D. Kudal, a Judge of the Rajasthan High Court.

2. The terms of reference of the Commission shall be as follows :—

- (a) to inquire into the working and activities, including publications of—
 - (i) Gandhi Peace Foundation;
 - (ii) Gandhi Smarak Nidhi;
 - (iii) All India Sarva Sewa Sangh;
 - (iv) Association of Voluntary Agencies for Rural Development; and
 - (v) Other organisations closely connected with the above mentioned organisations;

to determine whether they acted in conformity with their aims and objects;

- (b) to inquire into the sources of funds of the organisations referred to above.
- (c) to inquire into the manner of utilisation of funds and misuse thereof, if any, by the said organisation, with reference to their aims and objects; and
- (d) to inquire into any such matter as may be incidental or relevant to the above mentioned matters.

3. The headquarters of the Commission shall be at New Delhi.

4. The Commission will complete its inquiry and report to the Central Government on or before the 31st July, 1982 and may also submit such interim report or reports concerning such matter or matters, as it may think fit.

5. And whereas the Central Government is of opinion, having regard to the nature of the inquiry to be made and other circumstances of the case, that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952), should be made applicable to the Commission, the Central Government hereby directs, in exercise of the powers conferred by sub-section (1) of the said section 5, that all the provisions of the said sub-sections (2), (3), (4) and (5) of that section shall apply to the Commission.

[No. I. 12014/4/81-IS. D.III]
Sd/-

G. S. GREWAL, Jt. Secy

APPENDIX II
MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi ,the 30th July, 1982

S.O. 532(E).—In exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 83 (E) dated the 17th February 1982 (relating to the Commission of Inquiry to inquire into the working and activities of the Gandhi Peace Foundation and Other Organisations), namely :—

In para 4 of the said Notification, for the words and figures "on or before the 31st July 1982" the words and figures "on or before the 31st July, 1983" shall be substituted.

[1/12014/36/82-IS(D.III)]
Sd/-
L. N. GUPTA, Jt. Secretary
to the Govt. of India